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A REPORT ON
ZONING AND NON-MEDICAL COMMUNITY CARE FACILITIES
IN
SANTA CLARA COUNTY

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Prepared for the Social Concerns Subcommittee
of the
Planning Policy Committee
by the Santa Clara County Planning Department
Room 314, 70 West Hedding Street, San Jose, California 95110 March 1976



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SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

Small Family Homes

Conclusion: Throughout the County there is ample land zoned to permit 24-hour "Small Family Home" care. Although there is no overall shortage of land zoned for the small family home, certain cities do not permit the full number of six persons mandated by the State.

Recommendation: Each city and the County should review its zoning ordinance and its related definitions, interpretations, and policy guidelines with regard to the new State regulations for Community Care Facilities. The cities and the County should revise their definitions or amend their zoning ordinances to bring them into compatibility with the State regulations. This would be a positive measure in terms of implementing the intent of the Community Care Facilities Act (AB2262) which has mandated that 24-hour non-medical care for six or fewer persons be considered a residential use.

Licensed Care Facilities, Other Than Small Family Homes

Conclusion: The types of care facilities vary widely in terms of size, type of operation management, and type of persons being cared for. Most of the types of facilities in the new State regulations are not mentioned in the zoning ordinances. In many instances, the regulating bodies (councils, commissions) or administrative staffs have not prepared definitions, interpretations, or policy guidelines for relating such facilities to the ordinance.

Recommendation: Each city and the County should review its zoning ordinance and related definitions, interpretations, and policy guidelines with regard to the new State regulations. Consideration should be given to which zoning districts would best accommodate the various types of facilities so that the needs of the community can be met. If use permits are to be required for the establishment of the larger Community Care Facilities, consideration should be given to the adoption of use permit guidelines or standards for location, site development, and other zoning related conditions of operation.

These zoning ordinance reviews should be done with the advice of organizations and individuals familiar with the nature of the various types of facilities, and should be done in the community forum.

Planning for Community Care Facilities

- Conclusion:** At this time there is extremely little information on the extent or need for Community Care Facilities in the County. Neither is there any program or process for locating them throughout the County by any means other than the zoning and use permit processes carried on independently within each jurisdiction boundary in response to individual applications.
- Recommendation:** Information should be developed about the need for the various types of Community Care Facilities. This should be done using the resources and previous work of the Comprehensive Health Planning Association and other agencies in the field and should be done in conjunction with the County's Needs Assessment Capacity Building Program.

A plan for Community Care Facilities should be developed for Santa Clara County. This plan should address the numbers, types, and locations of facilities needed by the community, and should include economic, social, and land use considerations. Such a plan must come primarily from the agencies and organizations directly dealing with the licensed care facilities, but the Planning Policy Committee should cooperate in such a planning program to integrate the general planning efforts of the cities and County with the planning activities of these agencies.

One component of a countywide plan should be guidelines for the distribution of Community Care Facilities. Implementation techniques should be found which would assist each city and the County in achieving the number, type and location of facilities which the communities need.

In preparing social elements for their general plans, the cities should give attention to the need for Community Care Facilities and the city's role in their availability, particularly because of the city's power to regulate the location and type of structures and activities basic to community care.

INTRODUCTION

Community Care Facilities have become a topic of major concern for communities in Santa Clara County. There has been debate on where they should be located and how they should be regulated; but there has been little study to determine the facts about how many facilities there are, where they are located, and the nature of the local government regulations affecting them. This report presents the information which is presently available on Community Care Facilities in Santa Clara County.

The Community Care Facilities considered in this report provide non-medical care and supervision of dependent persons for either 24 hours a day (Residential Care) or for a portion of the day (Day Care). The definitions used in the report are based on the Community Care Facilities Act (Lanterman AB2262) adopted for California in October 1973. This report does not include medical care facilities such as Nursing Homes. In general, Community Care Facilities provide such care and supervision as is needed by individuals for their protection or for sustaining the activities of daily living.

The common characteristic of Community Care Facilities is that they offer services to dependent persons who are in need of some level of care or supervision. Dependent persons include children, the aged, the physically handicapped, and those who are developmentally disabled, mentally disordered, or otherwise handicapped. These facilities are also necessary for those who are involved in rehabilitation programs such as transition from institutions where they have been more isolated from the community.

According to the California Administrative Code Title 22, "care" provided in residential (24-hour) care facilities must include at least:

1. Safe and healthful living accommodations.
2. Three nutritionally well-balanced meals daily.
3. Personal assistance, as needed and requested by the resident, with dressing and undressing, eating, taking prescribed medication, and supervision to prevent harm to self or to others.
4. Continuing observations of each resident's physical and mental condition.
5. Emergency health care, including medical treatment and bedside care during temporary minor illness determined as such by the attending physician.
6. A daily activity program which includes social and recreational activities appropriate to the interests and abilities of residents.

The two primary agencies involved in the licensing of care facilities in the County are the State Department of Health (SDH) and the County Department of Social Services (DSS). The County Department of Social Services is authorized by SDH to license Community Care Facilities for children and adults. The Community Care Facilities Act, and subsequent regulations to comply with the Act, may lead to changes in the division of licensing responsibility between the State and the County.

In addition to the two agencies licensing the care facilities there are a number of regulations, agencies, and organizations involved in the establishment and

operation of licensed care facilities. Zoning, land use regulations and building codes are controlled by each city and the County. The State Fire Marshal's regulations are interpreted and applied by the local fire authorities who have their own fire codes as well. Planning, analysis, public service, and program implementation are carried out by a raft of agencies and organizations at the local, regional, state, and Federal levels.

Appendix E contains a list of agencies and organizations involved in community care.

OBJECTIVES OF THE STUDY

The objectives of this study are to provide a comparison of the approaches which have been taken by local governments in Santa Clara County for the regulation of Community Care Facilities through land use controls, and to provide background information to assist local decisionmakers in future consideration of these facilities.

BACKGROUND

Planning for the community care of children and adults has only recently received the attention of State and local legislators, health officials, planners, and community residents. Before the 1970's, dependent individuals who required non-medical supervision and personal assistance, were cared for on either an individual piecemeal basis or by institutional systems. Little coordination and cooperation existed between the responsible agencies in planning for the provisions of quality, comprehensive care for individuals in the community.

In the 1970's, a resurgence of social concern for the caring of dependent individuals within the community occurred. One impetus for this increased commitment for the residential care of adults, came from closure of the State mental institutions. Because of the closures, many patients were released into communities which were not prepared, physically or socially, to meet the needs of this group. As a result, strong concern arose with health and social agencies and community groups regarding the adequacy of care which this group required and their impact on the community. Child care facilities, on the other hand, became a growing concern of State and local legislators and agencies primarily due to the efforts and initiatives of community residents to express and plan for their own needs.

In answer to the increased awareness and interest by all groups for the planning of quality community care facilities, Assemblyman Lanterman sponsored the California Community Care Facilities Act (AB2262) which was approved on October 2, 1973. The legislature declared "that there is an urgent need to establish a coordinated and comprehensive statewide service system of quality community care for mentally ill, developmentally and physically disabled, and socially dependent children and adults." In this regard, the Act becomes a major planning guide for

¹California Community Care Facilities Act, Chapter 3, Article 1, General Provisions, 1501.a.

Community Care Facilities in California. The policies and programs resulting from the Act were to address nine objectives:

1. Insure a level of community care and services equal to or better than State hospitals;
2. Assure people requiring care are provided with a range of social rehabilitative, habilitative, and treatment services to fit their needs;
3. Protect legal and human rights of persons in Community Care Facilities;
4. Insure continuity of care between medical-health elements and supportive care-rehabilitation elements of California's health systems;
5. Insure Community Care Facilities are adequate, safe, and sanitary;
6. Assure that rehabilitative and treatment services are reasonable in cost;
7. Assure that State payments for community care services have flexible rates based on type and cost of care and services provided;
8. Encourage use of State hospital personnel and the development of training programs to improve quality of Community Care Facilities staff; and
9. Insure quality of Community Care Facilities by evaluating care and services provided and furnishing incentives to upgrade their quality.

The specific impacts of the Community Care Facilities Act are unknown at this time because the regulations enforcing the intent of the Act have not been fully implemented as of this writing. However, one obvious impact of the Act is the requirement for the first time that State and local health and social agencies develop a coordinated and comprehensive statewide system of quality community care. A concomitant effect of this general impact is the possible improvement in care and services provided to residents of Community Care Facilities.

Furthermore, because the Act establishes a State policy which encourages care facilities for the physically handicapped, mentally impaired, or socially dependent persons to be placed in "normal" community settings instead of institutional environments, local decisionmakers and citizens must begin to plan for the establishment of facilities in their communities. Changes in zoning ordinances, public education, policy commitments, and community responses are just a few of the issues which the local policymakers and citizens must address.

THE PRESENT SITUATION

Residential (24-hour care) and Day Care facilities will be discussed separately in this report because of the differences between them in type of care, licensing, and local regulation. Only those which must be licensed will be included in the discussion. Information on the number, capacity, and location of these licensed care facilities within the County is included in Appendix B.² Detailed descriptions of the types of facilities are listed in Appendix A. Under these new regulations a number of new categories are being developed such as the "Social Rehabilitation Facility" (Residential Care) and the "Social Rehabilitation Center" and "Vocational Rehabilitation Center" (Day Care). Because these new facilities have been in effect only since August 31, 1975, there is no statistical

²Compiled from 1974 listings furnished by the licensing agencies.

information available on them; and they will not be discussed in the report. There are also other similar facilities, even though regulated by local ordinances, which have not been included. They include homes which provide room and board only, or room only, or board only. Since these homes do not provide care, they do not require licensing.

RESIDENTIAL CARE FACILITIES

The new regulations for Community Care Facilities define a residential facility as "any family home, group home, social rehabilitation facility, or similar facility for 24-hour non-medical care to persons in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living or for the protection of the individual."

These facilities are classified into Small Family Homes, Large Family Homes, and Group Homes. They are further grouped according to whether they serve children (through age 17) or adults (18 years of age and over), so that the facilities include Small Family Homes for Children, Small Family Homes for Adults, and so forth. In the Small Family Home up to 6 persons may receive 24-hour non-medical care in the residence of the licensee. The Large Family Home for Children can include no less than 7 nor more than 12 persons receiving care, while the Large Family Home for Adults can include no less than 7 nor more than 15 receiving care. A Group Home for Children means a facility of any capacity for children who need non-medical care 24-hours a day. Group Homes for Adults are facilities of any capacity that provide services to adults who need or desire care on a 24-hour basis. The general distinction between group care facilities and "family home" facilities is that the group care facilities include many homes operated by fraternal, religious, or institutional organizations whereas the "family homes" include many facilities within the individual homes. The State's new regulations consider both "group" and "family" facilities as residential in character.

Residential Care Facilities for Children

The combined capacity of the 727 licensed care facilities for children in the County is 1,675 persons. These residential care facilities for children consist mostly of small family homes providing foster care. They are widely distributed throughout the metropolitan area of the County. Appendix B provides a more detailed summary of the number, capacity and location of these homes. There are no large family homes for children, and in the 30 statistical areas there are only 9 group homes. Central San Jose has one-third of the group homes for children and 50% of the County's total are within the San Jose sphere of influence. Gilroy has a large capacity group home for children. Children cared for in the professionally staffed group homes are generally homeless, emotionally disturbed, or "predelinquent".

Residential Care Facilities for Adults

Residential care homes for adults consist of residences caring primarily for adults 18 to 64 years of age, and caring primarily for the aged, 65 years and over. The total number of licensed facilities for adults in the County is 122

with a capacity of 1,674 persons. There are 213 facilities for the aged with a capacity of 2,379 persons. Appendix B lists the number of facilities and their capacity for each of the County's 30 statistical areas.

Central San Jose has 77 out of the County total of 122 residential care homes for adults and also has the greatest number of homes for the aged with 72 out of the total of 213 homes. These statistics show that Central San Jose is an impacted area for residential care homes. While many facilities are concentrated in Central San Jose it is also significant that one-half of the 30 statistical areas have no residential care homes for adults and that 13 out of the 30 areas have no homes for the aged.

The pattern of concentration of residential care homes for adults in Central San Jose is most pronounced for "large" and "group" homes. Ninety-six percent of all Large Family Homes for Adults and 78% of Group Homes for Adults are found in this single statistical area. It is this impact of large and group homes that has been the focus of community concern in the Central San Jose area.

Small residential care homes for adults are also concentrated in Central San Jose, but 55% of these homes are found elsewhere in the urban area of the County.

Homes for the aged are more widely distributed than homes for adults. Fourteen statistical areas have large residential care homes for the aged, and eight areas have Group Homes for the aged. None of the Group Homes for the aged are in Central San Jose.

The Group Homes for the aged include several facilities with very high capacities. Palo Alto has only one Group Home for the aged but this one houses 408 persons. Saratoga, Los Gatos, Los Altos, and Cupertino each have facilities for over 100 aged persons.

FACILITIES PROVIDING DAY CARE

At the time this report was begun day care facilities for children were included in the proposed new State regulations for Community Care Facilities. On August 31, 1975, the new regulations became effective; but children's day care facilities had been removed. Since there is no firm deadline for adoption of new State regulations for children's day care facilities, they are not included in the final draft of this report.

Because the adult day care facility is a newcomer, the tables in Appendix B do not provide information on the number and location of existing day care facilities for adults only.

ZONING REGULATIONS

In the County of Santa Clara there are sixteen different zoning ordinances and nearly as many different approaches to the regulation of land use. Each city and the County has its own unique zoning ordinance containing definitions and interpretations regarding land use classifications. There are similarities in definitions and some conventions in zoning district symbols, but there are few

similarities with respect to licensed care facilities. Uses allowed in one jurisdiction may not be allowed in an adjoining one, or the regulations for the same type of use may be different. Some jurisdictions will not allow certain types of care facilities without a public hearing, while others do not require that procedure. Most Community Care Facilities are not clearly and simply provided for in the ordinances, and there is a general lack of correlation between licensing regulations and zoning ordinances. Some of the Community Care Facilities described in the new State regulations are not provided for in any way by the zoning ordinances in the County.

To clarify the land use regulation system, a permitted use is one which is allowed by the zoning ordinance without a public hearing before a planning commission, board of zoning adjustment, or zoning administrator. In order to establish a permitted land use in an existing or new dwelling unit, only the necessary building or fire clearances would have to be obtained. Zoning districts are the land use districts established by the zoning ordinance, which are applied to the land through a public hearing procedure. A conditional use, or a use requiring a use permit, is normally approved only after a public hearing conducted in accordance with State law. The use can either be approved or denied by the commission, board, or council after an evaluation of the evidence presented at the public hearing. Although there are no specified limits to the length of time that the process can continue, the applicant is assured by the State law of some kind of action in a reasonable amount of time. The process cannot be expected, however, to be brief and painless; public hearings are often time-consuming and can involve considerable financial obligations.

In Appendix C each type of Community Care Facility is compared to the County's and to each city's zoning regulations. These tables indicate whether the use is an allowed use, requires a use permit, or is not allowed. Appendix D is a listing of zoning ordinances excerpts which pertain to Community Care Facilities.

RESIDENTIAL FACILITIES

The Small Family Home

The intent of the Lanterman-Petris Act, adopted by the California Legislature on August 13, 1970, was to establish the right for the Small Family Home to be located in residential areas. The act provided for the accommodation of six or fewer "mentally disordered or otherwise handicapped" persons by declaring that such land use "shall be considered a residential use of property for the purpose of zoning." Since adoption of this law the State has adopted a new set of regulations for Community Care Facilities which are the focus of this report. In these regulations the Small Family Home is described as "the family residence of the licensee in which 24-hour nonmedical care and supervision are provided for not more than six persons" (persons cared for). The act did not rule out the utilization at the local level of the use permit procedure, and it is not clear what is meant by "otherwise handicapped." Most of the jurisdictions in the County have elected to retain their options through the use permit and have not modified their ordinances to allow the specified 6 persons as a permitted use.

For all cities except the City of San Jose, the definition of a "family" is the only key to whether or not the Small Family Home is allowed. Most of the ordinances use the traditional concept of the family, while the State's regulations propose that a family should be up to 6 persons cared for in the residence of the licensee.

There is very little agreement in the County as to what constitutes a family unit; how many people, what ages, what relationships. A report prepared in March 1974 by the American Society of Planning Officials, after having surveyed similar situations all over the country, recommends that "the definition of a family will either have to be eliminated in favor of the census definition of 'household' or broadened as is done in the Tucson, Arizona (1972) zoning ordinance."³ For the present, however, the lack of specific regulations relating to the Small Family Home in this County means that Small Family Homes can, in all but a few instances, only be accommodated under the family definition now contained within the ordinances.

Almost all of the ordinance definitions for a family include some reference to unrelated persons, but usually the reference is to fewer than six. In many of the cities the only way Small Family Homes can be established is as a "boarding home" through a use permit.

Another approach to compliance with the Lanterman-Petris Act was used by the County. Through administrative policy the County has determined that small residential care homes caring for six or fewer persons are a permitted use in zones where residential land use is allowed.

Only the County and the cities of San Jose, Gilroy, Morgan Hill, Milpitas, and Santa Clara allow the care of six persons as specified by the State regulations as a permitted use. The other jurisdictions allow fewer persons, foster children only, or a use permit is required.

The Large Family Home (Children or Adults)

Only the County and the Cities of Morgan Hill and Gilroy allow this larger family home type facility as a permitted use. They are prohibited in four cities; and in the remaining nine jurisdictions a use permit is required--restricted to the higher density and more intensive land use districts. The City of Santa Clara is the only place where, for this type home, there is any distinction between children, adults and the aged. Here large "homes for the ambulatory aged" but not adults or children are allowed in one of the zoning districts without use permits.

Group Homes (Children or Adults)

Group homes are facilities of any capacity, and may be either residential or institutional in character. For this reason, the zoning ordinances typically treat them as a use requiring a use permit. The zoning ordinances are able to accommodate this type of facility to an even lesser degree than was the case with the Large Family Home.

³"Family means any number of individuals customarily living together as a single housekeeping unit and using common cooking facilities." Zoning for Family and Group Care Facilities", Planning Advisory Report, American Society of Planning Officials, No. 300, March 1974, p.11. For the Census definition of "household" see Appendix F.

DAY CARE FACILITIES

Small Family Day Home--Adults

Few of the jurisdictions make provisions for adult day care, and the Small Family Day Home is not a permitted use in seven of the sixteen jurisdictions. In seven of the remaining jurisdictions adults are allowed in this small family home type of facility.

Large Family Day Home--Adults

Only two cities allow the Large Family Day Home as a permitted use, nine more allowing them only through the use permit procedure.

Day Care Center--Adults

Day care centers for adults, a newcomer to the list of facility types, are allowed as a permitted use in several of the residential districts in Palo Alto; and five other jurisdictions allow them by use permit.

CONCLUSIONS

The American Society of Planning Officials (ASPO) report number 300 is a basic reference for the topic of local regulations of Community Care Facilities. The first chapter of the ASPO report contains an excellent discussion of the need and justification for Community Care Facilities. This chapter explains that community acceptance depends on public information and education and on such things as staffing, intake criteria, and length of stay. Fear and lack of knowledge are the main reasons for opposition by the public; at the public hearings, safety, negative influence on children, unattractive or odd behavior, and decline in property values are the main allegations. According to the ASPO report there are facts and figures to indicate that these fears are unwarranted.

There is a real and urgent need for meeting the needs of those who depend upon Community Care Facilities within the County of Santa Clara. If the cities and the County wish to demonstrate their intention to meet those needs then there must be better coordination between the licensing regulations and the zoning ordinances.

Recent reorganization within the State Department of Health, together with the new regulations for Community Care Facilities, should make it easier to understand the system. These recent changes mean that all licensing will be handled by one division of the State Department of Health; and the proposed regulations are relatively simple.

As a means of bringing the County's zoning ordinances up to date we recommend minor revisions eliminating old references to facilities of the type covered by this report and adding brief references to the new State regulations. This approach would not only have the important advantage of eliminating outdated language but would also provide the initial impetus for countywide coordination.

The City of San Jose has recently adopted a zoning ordinance dealing with Community Care Facilities in a comprehensive manner. It should be used as a model for the

other cities and the County in the interest of better inter-city coordination (See Appendix D, pp.13-15).

The Small Family Home

In order to adequately provide for the Small Family Home, the family definitions found in the zoning ordinances will need to change or the ordinances will have to make specific provisions for the numbers, ages, and types of persons to be accommodated. A consistent countywide zoning treatment is vital to a dispersal of this type of facility throughout the County, which is in turn vital to an improved care and treatment program.

Day Care Facilities

The idea of day care facilities for adults is a new one and most of the zoning ordinances are not equipped to accommodate them. The small family day care home could most logically be treated the same as the small family residential home, and large day care facilities in the same manner as the large residential care facilities. Although this report does not include an analysis of zoning as it relates to children's day care facilities, the same general observations can be made about them; i.e., ordinances do not relate to the regulations.

Large Facilities

It is not the aim of these recommendations to minimize the importance of the larger care facilities. More emphasis has been given to the small family home because of the lack of response which has been made to the intent of the Lanterman-Petris Act. The large facility is very much a part of the community care system. The use permit procedure provides one means for handling the locational distribution of the larger facilities. This method is apparently preferred by most jurisdictions and is a valid way of regulating their location.

Distribution of Facilities

Another solution for getting care into the community would be the establishment of a communitywide or countywide plan for the number and location of these facilities with a concomitant easing in zoning regulations as a means of helping to achieve the plan.

But until such plans are adopted there must be assurances, as zoning ordinances become more favorable, that Community Care Facilities will not become overconcentrated in any one particular geographic area of the County. ASP0 recommends extensive controls to prevent the overconcentration of family and group care facilities in a particular neighborhood or block.⁴ As a means of preventing overconcentration, use permits may be effective but serious drawbacks. A more straightforward and equally effective approach would be the development of guidelines for limiting the number of facilities to a neighborhood or block. The laborious public hearing would be avoided and the distribution of facilities could be coordinated with the licensing agency through administrative procedures. Quotas could be established through the normal planning process. A map locating care facilities could be maintained by the planning departments of each city and the County.

⁴ Ibid, pp. 23, 24 and 25.

OTHER REGULATIONS

There are numerous other regulations which affect the establishment and operation of licensed care facilities in the County of Santa Clara, but which will not be discussed at length in this report. The following is a brief discussion on those which are closely related to the zoning regulations.

Building codes for each city and the County are different. Some jurisdictions adhere strictly to the Uniform Building Code while others have their own variations of it. Building codes and fire regulations may very well have more to do with the regulation of Community Care Facilities than do the zoning ordinances.

This is because occupancy requirements and structure codes for the types of occupancy involved with licensed care facilities may contain requirements which many dwellings will not be able to satisfy without extensive alteration. For instance, one city's building code requires one bedroom per occupant. Electrical and plumbing codes are very rigorous and many older homes do not satisfy the requirements. Fire codes and regulations are also likely to be an important regulatory influence on the establishment of a new licensed care facility. Distances to exits, the number of exits, the degree to which the construction is fireproof, the ability of the occupants to flee a building in an emergency are all examples of the types of regulations that the prospective licensee is confronted with. It is not likely that many homes are going to measure up to the high standards that are now found in the codes and regulations. This variety of regulations is also an obstacle to the distribution of Community Care Facilities throughout the County.

A P P E N D I X A

ADOPTED NEW STATE REGULATIONS
FOR
COMMUNITY CARE FACILITIES
(EXCERPTS)

County of Santa Clara
Planning Department
August 1975

APPENDIX A

ADOPTED STATE REGULATIONS FOR COMMUNITY CARE FACILITIES (EXCERPTS)

1. Definitions

Community Care Facility. "Community Care Facility" means any facility, place or building which is maintained and operated to provide nonmedical residential care, day care, or homefinding agency services for children, adults, or children and adults, including, but not limited to, the developmentally disabled, physically handicapped, mentally disordered, or incompetent, and includes any residential facility, day facility, and homefinding agency.

Residential Facility. "Residential Facility" means any family home, group home, social rehabilitation facility, or similar facility determined by the Director, for 24-hour nonmedical care to persons in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living or for the protection of the individual.

Adult Day Facility. "Adult Day Facility" means any family day home, day care center, social rehabilitation center or similar facility determined by the Director, which provides on less than a 24-hour basis, nonmedical care to adults in need of personal services, protection, supervision, assistance, guidance or training essential for sustaining the activities of daily living or for the protection of the individual.

2. Residential Care Facilities

"Residential Facility" means any family home, group home, social rehabilitation facility or similar facility determined by the Director, for 24-hour nonmedical care to persons in need of personal services, protection, supervision, assistance, guidance or training essential for sustaining the activities of daily living or for the protection of the individual. A residential facility includes:

(a) Small Family Home - Children. "Small Family Home - Children" means the family residence of the licensee in which care and supervision are provided for not more than six (6) children.

(b) Small Family Home - Adults. "Small Family Home - Adults" means the family residence of the licensee in which care and supervision are provided for not more than six (6) adults.

(c) Large Family Home - Children. "Large Family Home - Children" means the family residence of the licensee in which care and supervision are provided for not less than seven (7) nor more than twelve (12) children.

(d) Large Family Homes - Adults. "Large Family Home - Adults" means the family residence of the licensee in which care and supervision are provided for not less than seven (7) nor more than fifteen (15) adults.

(e) Group Home - Children. "Group Home - Children" means a facility of any capacity that provides services in a group setting to children who need care and supervision.

(f) Group Home - Adults. "Group Home - Adults" means a facility of any capacity that provides services in a group setting to adults who need or desire care and supervision.

(g) Social Rehabilitation Facility. "Social Rehabilitation Facility" means a facility of any capacity that provides services in a group setting to persons who currently or potentially are capable of meeting their life support needs independently, but who temporarily need assistance, guidance or counseling.

3. Adult Day Facilities.

(a) Small Family Day Home - Adults. "Small Family Day Home - Adults" means the family residence or the licensee in which care and supervision are provided for not more than six (6) adults during a portion of the day, exclusive of members of the licensee's family.

(b) Large Family Day Home - Adults. "Large Family Day Home - Adults" means the family residence of the licensee which is licensed to provide care and supervision during a portion of the day for seven (7) through fifteen (15) adults, exclusive of members of the licensee's family.

(c) Day Care Center - Adults. "Day Care Center - Adults" means a facility of any capacity that provides care and other services in a group setting to adults during a portion of the day.

(d) Social Rehabilitation Center. "Social Rehabilitation Center" means a facility of any capacity that provides services in a group setting during a portion of the day to adults who currently or potentially are capable of meeting their life support needs independently, but who temporarily need assistance, guidance or counseling.

4. Facilities Exempt from Licensure.

(a) Any health facility, as defined by Section 1250 of the Health and Safety Code.

(b) Any clinic, as defined by Section 1202 of the Health and Safety Code.

(c) Any neighborhood family day home which is accredited by a school district pursuant to Section 16725 of the Education Code.

(d) Any juvenile placement facility approved and used exclusively by the California Youth Authority or any juvenile hall operated by a county.

(e) Any place which cares only for a juvenile who is judicially placed pursuant to subdivision (a) of Section 727 of the Welfare and Institutions Code.

(f) Any facility conducted by and for the adherents of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend on prayer or spiritual means for healing in the practice of the religion of such church or denomination.

(g) Any school dormitory or similar facility as determined by the Department of Health.

(h) Any house, institution, hotel, or other similar place that supplies board and room only, or room only, or board only, provided that no resident thereof requires any element of care as determined by the Director of the Department of Health.

(i) Recovery houses or other similar facilities providing group living arrangements for persons recovering from alcoholism or drug addiction where the facility provides no care or supervision.

(j) Any cooperative arrangement between parents for the care of their children by one or more of the parents where no payment for the care is involved, such as the exchange of child care services between two or more families.

(k) Any arrangement for the receiving and care of persons by a relative, or any arrangement for the receiving and care of persons from only one family by a close friend of the parent, guardian, or conservator, if such arrangement is not for financial profit and occurs only occasionally and irregularly. For the purposes of this exemption the term "occasionally and irregularly" means not more frequently than five (5) days per week and not exceeding a period of four (4) hours per day; however, this shall not preclude care provided for brief periods of time for reasons such as family emergencies, vacations, military leave, and similar situations.

(l) Any similar facility, as determined by the Director of the Department of Health.

(m) Exclusive Use Facility. A facility used by a licensed or exempt home-finding agency shall not be required to obtain a license but shall meet and comply with all other requirements set forth in this division.

Source: California Administrative Code, Title 22, Division 5, Regulations for Community Care Facilities. (Effective 8-31-75).

A P P E N D I X B

NUMBER, CAPACITY AND LOCATION
OF
EXISTING LICENSED CARE FACILITIES

Compiled From 1974 Listings
Provided by the Licensing Agencies

County of Santa Clara

Planning Department

July 1975

RESIDENTIAL CARE FACILITIES--CHILDREN

Appendix B--Existing Licensed Care Facilities

In Santa Clara County, 1974. FAMILY HOMES - SMALL

FAMILY HOMES - LARGE

"GROUP" HOMES¹

Statis. Area	Name	No. of Homes	% of Total	Capacity	% of Total	No. of Homes	% of Total	Capacity	% of Total	No. of Facil.	% of Total	Capacity	% of Total
1	Palo Alto	25	3.5	45	3.1								
2	Alviso	1	0.1	1	0.1								
3	Milpitas	46	6.4	94	6.5								
4	Mountain View	12	1.7	18	1.3								
5	Agnew	6	0.8	14	1.0								
6	Berryessa	36	5.0	67	4.7								
7	Los Altos Hills	5	0.7	6	0.4								
8	Los Altos	13	1.8	24	1.7								
9	Sunnyvale	34	4.8	67	4.7								
10	Santa Clara	34	4.8	70	4.9					1	8.3	13	5.4
11	Central San Jose	32	4.5	71	4.9					3	25.0	47	19.7
12	Alum Rock	90	12.6	183	12.7								
13	Cupertino	19	2.7	48	3.3								
14	West San Jose	39	5.5	72	5.0								
15	So. East San Jose	37	5.2	72	5.0								
16	Evergreen	37	5.2	62	4.3								
17	Montebello	--		--									
18	Saratoga	16	2.2	26	1.8								
19	Campbell	25	3.5	59	4.1					2	16.7	46	19.2
20	Cambrian	67	9.4	122	8.5								
21	Edenvale	65	9.1	115	8.0					2	16.7	12	5.0
22	Los Gatos	27	3.8	79	5.5					1	8.3	34	14.2
23	Almaden	9	1.3	17	1.2					1	8.3	15	6.3
24	Coyote	--		--									
25	Lexington	1	0.1	3	0.2								
26	Llagas-Uvas	5	0.7	17	1.2								
27	Morgan Hill	11	1.5	18	1.3								
28	San Martin	10	1.4	46	3.2								
29	Gilroy	13	1.8	20	1.4					1	8.3	55	23.0
30	Diablo	--		--									
		715	100.1	1,436	100.0					12	99.9	239	99.9

-N O N E-

NOTES

1. Includes facilities known as children's institutions, or with a capacity of more than 12 children.

RESIDENTIAL CARE FACILITIES--ADULTS

Appendix B--p.2

FAMILY HOMES - SMALL

FAMILY HOMES - LARGE

GROUP HOMES¹

Statis. Area	Name	No. of Homes	% of Total	Capacity	% of Total	No. of Homes	% of Total	Capacity	% of Total	No. of Facil.	% of Total	Capacity	% of Total
1	Palo Alto	1	1.5	3	1.1								
2	Alviso	--		--									
3	Milpitas	2	3.0	8	3.0								
4	Mountain View	6	8.7	36	13.0	1	3.8	8	1.9				
5	Agnew	--		--						1	3.7	110	11.3
6	Berryessa	--		--									
7	Los Altos Hills	1	1.5	2	0.7								
8	Los Altos	--		--									
9	Sunnyvale	1	1.5	5	1.8					1	3.7	25	2.6
10	Santa Clara	5	7.2	27	9.7					1	3.7	18	1.9
11	Central San Jose	31	44.9	90	32.5	25	96.2	419	98.1	21	77.8	741	76.4
12	Alum Rock	7	10.1	36	13.0					3	11.1	76	7.8
13	Cupertino	--		--									
14	West San Jose	3	4.3	15	5.4								
15	So. East San Jose	4	5.8	18	6.5								
16	Evergreen	2	3.0	6	2.2								
17	Montebello	--		--									
18	Saratoga	--		--									
19	Campbell	1	1.5	6	2.2								
20	Cambrian	4	5.8	19	7.2								
21	Edenvale	--		--									
22	Los Gatos	--		--									
23	Almaden	--		--									
24	Coyote	--		--									
25	Lexington	1	1.5	6	2.2								
26	Llagas-Uvas	--		--									
27	Morgan Hill	--		--									
28	San Martin	--		--									
29	Gilroy	--		--									
30	Diablo	--		--									
		69	100.3	277	100.5	26	100.0	427	100.0	27	100.0	970	100.0

NOTES

1. Capacity over 15 persons or institutional in character.

RESIDENTIAL CARE FACILITIES--ADULTS (PRIMARYLY AGED)¹

Appendix B--p.3

FAMILY HOMES - SMALL

FAMILY HOMES - LARGE

GROUP HOMES²

Statis. Area	Name	No. of Homes	% of Total	Capacity	% of Total	No. of Homes	% of Total	Capacity	% of Total	No. of Homes	% of Total	Capacity	% of Total
1	Palo Alto	11	6.1	40	4.9	1	4.3	8	2.8	1	10.0	408	32.1
2	Alviso	--		--									
3	Milpitas	--		--									
4	Mountain View	13	7.2	63	7.6	1	4.3	11	3.9	1	10.0	24	1.9
5	Agnew	--		--									
6	Berryessa	--		--									
7	Los Altos Hills	--		--									
8	Los Altos	6	3.3	21	2.5	1	4.3	14	5.0	1	10.0	112	8.8
9	Sunnyvale	12	6.6	52	6.3	1	4.3	10	3.6				
10	Santa Clara	6	3.3	18	2.2	1	4.3	14	5.0				
11	Central San Jose	66	36.6	338	40.9	6	26.1	73	26.0				
12	Alum Rock	16	8.9	62	7.5	3	13.0	33	11.7	1	10.0	51	4.0
13	Cupertino	10	5.6	44	5.3	1	4.3	10	3.6	1	10.0	102	8.0
14	West San Jose	11	6.1	49	5.9					1	10.0	60	4.7
15	So. East San Jose	5	2.8	21	2.5	1	4.3	13	4.6				
16	Evergreen	--		--									
17	Montebello	--		--									
18	Saratoga	--		--						2	20.0	225	17.7
19	Campbell	5	2.8	36	4.4	1	4.3	15	5.3				
20	Cambrian	11	6.1	41	5.0	1	4.3	11	3.9				
21	Edenvale	2	1.1	11	1.3								
22	Los Gatos	6	3.3	30	3.6	3	13.0	46	16.4	2	20.0	290	22.8
23	Almaden	--		--									
24	Coyote	--		--									
25	Lexington	--		--		1	4.3	8	2.8				
26	Llagas-Uvas	--		--									
27	Morgan Hill	--		--		1	4.3	15	5.3				
28	San Martin	--		--									
29	Gilroy	--		--									
30	Diablo	--		--									
		180	99.8	826	99.9	23	99.4	281	99.9	10	100.0	1,272	100.0

NOTES

1. Some aged persons may be included in the tables for adults, and this table may include some persons under age 65.
2. Capacity over 15 persons or institutional in character.

A P P E N D I X C

A tabular comparison of existing zoning regulations in the County of Santa Clara and the new State regulations for Community Care Facilities.

County of Santa Clara

Planning Department

March 1976

In the preparation of these tables, each city's zoning ordinance was first reviewed by County Planning Department staff and then jointly by the County staff person and the city's zoning ordinance administrator, or assistant. A rough draft was then returned to the administrators for final review. This final version, therefore, represents three separate detailed reviews of the 16 zoning ordinances.

Because zoning ordinance language is sometimes vague and requires interpretation, exact interpretations by the zoning ordinance administrators is not always possible. Actual trial applications are often the only avenue for positive interpretation. In the preparation of these tables no such actual applications were utilized.

HOW TO READ THE ZONING ANALYSIS SHEETS

Upper lefthand corner of the page:

Title and description of the facility taken from the State regulations on Community Care Facilities (Title 22, Division 5, California Administrative Code).

These symbols appear in line 4 under each jurisdiction:

KEY: += Use allowed by right. This means that no special zoning permits are required in order to establish the use.

x= Use permit required. This means that a public hearing will be necessary to determine if the use can be established.

= Use prohibited. This means that the use is not allowed either because it is not included within the scope of the ordinance or because it has been intentionally excluded from the zoning district.

(blank) = Clarification required. If there is no symbol it means that an interpretation is required and that an actual application is needed to test the zoning ordinance.

COUNTY OF SANTA CLARA Residential Districts

1	R1E	RH1	RHS	R2	R3-4	R3-2.4	R3-1.5	R3-1.2	R3-.9	R3F	R3	A1
+	+	-	x	x	x		-			+	+	

AMPBELL Residential Districts

1	RD	RM-S	R2-S	R3-S	Office	P0	Civic Center
+	-	x	.	x		+	-

- Line 1: Jurisdiction.
- Line 2: Type of zoning district.
- Line 3: Zoning district symbols. For a more detailed description of each jurisdiction's zoning symbols, see Appendix D.
- Line 4: A symbol which indicates whether the use described in the upper left hand corner of the page is allowed or not (See Key).
- Line 5: Footnotes.

SMALL FAMILY HOME--CHILDREN

ZONING AND LICENSED CARE FACILITIES
Santa Clara County Planning Dept.
GEF

1

The family residence of the licensee in which 24-hour nonmedical care and supervision are provided for not more than 6 children.

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

COUNTY OF SANTA CLARA

Residential Districts												Office	Commercial			Industrial			Other			
R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	R11	R12	OA	CN	CG	CT	MP	ML	MH	S	SS	A	RP
+	+	+	+	+	+	+	+	+	+	+	+	+	x	x	-	-	-	-	+	+	-	+

Allowed as a residential use, by policy, in accord with the Lunterman-Dietrich Act.

CAMPBELL

Residential Districts					Office	Commercial				Industrial			Other			
R1	RD	RM-S	R2-S	R3-S	PD	Civic Center	C1-S	C2-S	C3-S	CH	CC	CM-S	M1-S	M2-S	PD	PF
+1	+1	+1	+1 ^x	+	-	-	-	-	-	-	-	-	-	-	x	-

¹ 5 unrelated persons, maximum, as a "family"

CUPERTINO

Residential Districts				Office			Commercial	Industrial		Other			
R1	R2	R3	A1-43	BQ	OA	OP	CG		ML	MP	A	BR	P
+1	x	-			-	-	-		-	-			

¹ Foster children only

GILROY

Residential Districts				Office	Commercial		Industrial			Other
R1	R2	R3	R3X	P0	C1	C2	M1	M2	M3	PUD
+ ¹	+ ¹	+ ¹	+ ¹	-	x	x		x	x	

¹ As a family.

1.1

SMALL FAMILY HOME--CHILDREN

ZONING AND LICENSED CARE FACILITIES
Santa Clara Planning Dept.
GEF

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

LOS ALTOS

Residential Districts										Office					Commercial					Other		
R1	R1	R1	R1	R3-	R3	R3	R3-	R3		OAD	OA	OA-	OAD/		CN	CN	CD	CRS	CT	CRS/	PUD	FCF
-10	-H	-20	-40	4.5	-5	-3	1.8	-1				-1	4.5	R3		-T				OAD		
+	+	+	+	+	+	+	+	+		-	-	-	+		-	-	-	-	-	-		x

¹ 2 foster children living with a family, or not more than 3 unrelated persons as a "family."

LOS ALTOS HILLS

Residential Districts																					
All zones																					
+	+	+	+	+	+	+	+	+	+	+	+										

¹ Not more than 4 unrelated persons as a "family."

LOS GATOS

Residential Districts						Office	Commercial				Industrial			Other	
R1	RD	RIM	RMH	HR	RM	O	CH	CC	C1	C2	LM	CM	RP	PD	RC
+1x ²	+1x ²	+1	+1x ²	+1	+1x ²	-	x ¹	x ¹	-	x ¹	-	-	-		+1

¹ Not more than 5 unrelated persons as a "family."

² As a "Group Foster Home," for up to 15 persons by use permit.

MILPITAS

Residential Districts			Office		Commercial				Industrial			Other	
R1	R2	R3	CO	TC	C1	C2	CS	HS	M1	M2	MP	A	
+	+	+	-	-	-	-	-	-	-	-	-	+	

1.2

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

MONTE SERENO

Residential Districts

A	R1-8	R1-20	R1-44
-	+	-	-

Boarding and lodging for not more than 2 persons.

MORGAN HILL

Residential Districts

						Office	Commercial				Industrial			Other	
RE	R1	R2	R3	R4	RPC	P	CN	CC	CT	CG	ML	MH	MP	A	PUD
+	+	+	+	+	x	-	-	-	-	-	-	-	-	+	x

As a family.

MOUNTAIN VIEW

Residential Districts

						Office	Commercial				Industrial			Other	
R1	R2	R3	R3-d	R3-P	R2M	O	CN	CD	CG	C3T	ML	MM		A	P
+	+	+	+	+	+		-	-	-	x	-	-		+	

¹Not more than 5 unrelated persons, total, or "boarding and lodging" by use permit for more than that

PALO ALTO

Residential Districts

											Office	Commercial							Industrial					Other		
RE	R-1	R-DUP	R2	R3G	R3	R3P	R4	R5	HDA	PF	C1	C2	C2S	C2G	C2M	C2F	C3	M1	M2	LM	LM1	LM5	AC	OS	PC	
+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	

¹A group of not more than 4 persons, total²A facility operated by a governmental agency.

1.3

SMALL FAMILY HOME--CHILDREN

ZONING AND LICENSED CARE FACILITIES
Santa Clara County Planning Dept.
GEF

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

SAN JOSE

Residential Districts

														Office	Commercial				Industrial				Other					
R1B1	R1B2	R1B3	R1B6	R1B8	R1	R2	R3A	R3B	R3C	R3	R3F	R4	C	CL	C1	C2	C3	I	IP-a	IP-b	IP-c	M1	M2	M3	M4	LR	A	TM
+	+	+	+	+	+	+	+	+	+	+	+	+	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+

SANTA CLARA

Residential Districts

									Office	Commercial				Industrial				Other			
R1-8L	R1-6L	R2-7L	R3-18D	R3-25D	R3-36D	R3-HD	R3-M	OG	QA	CN	CC	CT	CD	CP	MP	M1	MH		A	B	PD
+	+	+	+	+	+	+	+	+	+	-	-	-	-	-	-	-	-		+	x	

¹All guests may not own or drive automobiles.

SARATOGA

Residential Districts

				Office	Commercial			Industrial			Other	
R1	RM	PD	PC	PA	CN	CC	CS		M		A	
+	+	+	+	-	-	x	1,2	-	-		+	

¹Not more than 5 persons, unrelated, as a family.²15 maximum guests with a use permit, in lodging houses only, or Charitable Institutions (non-profit) as a conditioned use.

SUNNYVALE

Residential Districts

						Office	Commercial			Industrial				Other	
RO	R1	R2	R3	R4	R-MH	O	CD	C1	C2	C3	M1	M2	M3	M4	PF
+	+	+	+	+	+	x	x	x	x	x	-	-	-	-	x

All are as home occupation, administrative review.

¹One family dwellings require a use permit.

1.4

The family residence of the licensee in which 24-hour nonmedical care and supervision are provided for not more than 6 adults.

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

COUNTY OF SANTA CLARA

Residential Districts													Office	Commercial			Industrial			Other			
R1	R1E	RH1	RHS	R2	R3-4	R3-2.4	R3-1.5	R3-1.2	R3-0.9	R3F	R3	A1	OA	CN	CG	CT	MP	ML	MH	S	SS	A	RP
+	+	+	+	+	+	+	+	+	+	+	+	+	+	x	x	-	-	-	-	+	+	-	+

Allowed by policy as a residential use in accord with the Lanterman-Petris Act.

CAMPBELL

Residential Districts					Office		Commercial					Industrial			Other	
R1	RD	RM-S	R2-S	R3-S	PO	Civic Center	C1-S	C2-S	C3-S	CH	CC	CH-B	M1-S	M2-S	PD	PF
+	+	+	+	x	-	-	-	-	-	-	-	-	-	-	x	-

¹5 unrelated persons maximum, as a "family"

CUPERTINO

Residential Districts				Office			Commercial	Industrial		Other			
R1	R2	R3	A1-43	BQ	OA	OP	CG		ML	MP	A	BR	P
x	x	-			-	-	-		-	-		-	

GILROY

Residential Districts				Office	Commercial		Industrial			Other	
R1	R2	R3	R3X	PO	C1	C2	M1	M2	M3	PUD	
+	+	+	+	-	x	x	x	x	x		

2.1

SMALL FAMILY HOME--ADULTS

ZONING AND LICENSED CARE FACILITIES
Santa Clara Planning Dept.
GEF

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

LOS ALTOS

Residential Districts										Office				Commercial					Other			
R1-10	R1-H	R1-20	R1-40	R3-4.5	R3-5	R3-3	R3-1.8	R3-1		OAD	OA	OA-1	OAD/4.5	R3	CN	CN-T	CD	CRS	CT	CRS/OAD	PUD	PCF
+	+	+	+	+	+	+	+	+	+	-	-	-	-	+	-	-	-	-	-	-	x	

¹Not more than 3 unrelated persons, total, as a "family."

LOS ALTOS HILLS

Residential Districts																			
All zones																			
+																			

¹Not more than 4 unrelated persons as a "family."

LOS GATOS

Residential Districts						Office	Commercial				Industrial			Other	
R1	RD	RM	RMH	HR	RM	O	CH	CC	C1	C2	LM	CM	RP	PD	RC
+	x ²	+	x ²	+	x ²	-	x ¹	x ¹	-	-	-	-	-	+	

¹A group of not more than 5 unrelated persons as a "family." (without compensation)

²As a "Group Foster Home," for up to 15 persons by use permit.

MILPITAS

Residential Districts			Office	Commercial				Industrial			Other	
R1	R2	R3	CO	TC	C1	C2	CS	HS	M1	M2	MP	A
+	+	+	-	-	-	-	-	-	-	-	-	+

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

MONTE SERENO

Residential Districts

A	R1-8	R1-20	R1-44
-	+	-	-

Boarding and lodging for not more than 2 persons.

MORGAN HILL

Residential Districts

Office						Commercial					Industrial			Other	
RE	R1	R2	R3	R4	RPC	P	CN	CC	CT	CG	ML	MH	MP	A	PUD
+	+	+	+	+	x	-	-	-	-	-	-	-	-	+	x

As a family.

MOUNTAIN VIEW

Residential Districts

Office						Commercial				Industrial			Other	
R1	R2	R3	R3-d	R3-P	R2M	O	CN	CD	CG	C3T	ML	MM	A	P
+ ¹	+ ¹	+ ¹	+ ¹	+ ¹	+ ¹	-	-	-	-	x	-	-	+ ¹	

¹Not more than 5 unrelated persons total, or "boarding and lodging" by use permit for more than that.

PALO ALTO

Residential Districts

Office										Commercial							Industrial					Other			
RE	R-1	R-DUP	R2	R3G	R3	R3P	R4	R5	HOA	PF	C1	C2	C2 CFS	C2 GSC	C2 GM	C2 FGM	C3	M1	M2	LM	LM1	LM5	AC	OS	PC
+ ¹	+ ¹	+ ¹	+ ¹	+ ¹	+	+	+	+ ¹	+ ¹	+ ²	+	+	+	+	+	+	+	+	+	+ ¹	+ ¹	+ ¹	+ ¹	+ ¹	+ ¹

¹A group of not more than 4 persons, total.²Operated by a governmental agency.

2.3

SMALL FAMILY HOME--ADULTS

ZONING AND LICENSED CARE FACILITIES
Santa Clara County Planning Dept
GEF

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

SAN JOSE

Residential Districts

Office													Commercial				Industrial				Other							
R1B1	R1B2	R1B3	R1B6	R1B8	R1	R2	R3A	R3B	R3C	R3	R3F	R4	C	CL	C1	C2	C3	I	IP-a	IP-b	IP-c	M1	M2	M3	M4	LR	A	TM
+	+	+	+	+	+	+	+	+	+	+	+	+	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+

SANTA CLARA

Residential Districts

Office								Commercial				Industrial				Other				
R1-8L	R1-6L	R2-7L	R3-18D	R3-25D	R3-36D	R3-MD	R3-M	OG	OA	CN	CC	CT	CD	CP	MP	M1	MH	A	B	PD
+ ¹	+ ¹	+ ¹	+ ¹	+ ¹	+ ¹	+ ¹	+ ¹	+ ¹	+ ¹	-	-	-	-	-	-	-	-	+ ¹	x	

¹All guests may not own or drive automobiles.

SARATOGA

Residential Districts

Office				Commercial			Industrial			Other	
R1	RM	PD	PC	PA	CN	CC	CS	M	A		
+ ¹	+ ¹ x ²	+ ¹	+ ¹	-	-	x ^{1,2}	-	-	+ ¹		

¹Not more than 5 unrelated persons.²15 maximum guests with use permit, in lodging houses only, or Charitable Institutions (non-profit) as a conditioned use.

SUNNYVALE

Residential Districts

Office						Commercial			Industrial				Other		
R0	R1	R2	R3	R4	R-MH	O	CD	C1	C2	C3	M1	M2	M3	M4	PF
x	x	x	x	x	x	x	x	x	x	x	-	-	-	-	x

LARGE FAMILY HOME--CHILDREN

The family residence of the licensee in which 24-hour nonmedical care and supervision are provided for not less than 7 or more than 12 children.

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

COUNTY OF SANTA CLARA

Residential Districts														Office		Commercial			Industrial			Other			
R1	R1E	RH1	RHS	R2	R3-4	R3-2,4	R3-1.5	R3-1.2	R3-0.9	R3F	R3	A1	OA	CN	CG	CT	MP	ML	MH	S	SS	A	RP		
x	2	-	-	x	1	1	x	1	x	1	x	3,4	x	x	x,3,4	x,3	4	-	+	+	-	x	-	-	

1,2 As boarding homes with 5 or fewer guest rooms, number of occupants unlimited (6 or more guest rooms is a Hotel)
1 Not less than 1/2 Acre 2 Not less than 1 Acre 3 Boarding home (see 1 & 2, no acreage requirement) 4 As a Hotel

CAMPBELL

Residential Districts					Office	Commercial					Industrial			Other		
R1	RD	RM-S	R2-S	R3-S	PO	Civic Center	C1-S	C2-S	C3-S	CH	CC	CM-B	M1-S	M2-S	PD	PF
-	-	-	x	+	-	-	-	-	-	-	-	-	-	-	x	-

CUPERTINO

Residential Districts				Office			Commercial	Industrial		Other			
R1	R2	R3	A1-43	BQ	OA	OP	CG		ML	MP	A	BR	P
-	-	-	-	-	-	-	-	-	-	-	-	-	-

GILROY

Residential Districts				Office	Commercial		Industrial			Other	
R1	R2	R3	R3X	PO	C1	C2	M1	M2	M3	PUD	
x	x	x	x	-	x	x		x	x		

3.1

LARGE FAMILY HOME--CHILDREN

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

LOS ALTOS

Residential Districts										Office				Commercial					Other		
R1-10	R1-H	R1-20	R1-40	R3-4.5	R3-5	R3-3	R3-1.8	R3-1		OAD	OA	OA-1	OA-4.5	OAD/R3	CN-T	CD	CRS	CT	CRS/OAD	PUD	PCF
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		x

LOS ALTOS HILLS

Residential Districts																				
All zones																				

LOS GATOS

Residential Districts							Office	Commercial				Industrial			Other	
R1	RD	R1H	RMH	HR	RM		O	CH	CC	C1	C2	LH	CM	RP	PD	RC
x	x	-	x	-	x		-	-	-	-	-	-	-	-	-	-

MILPITAS

Residential Districts			Office	Commercial				Industrial			Other	
R1	R2	R3	CQ	TC	C1	C2	CS	HS	M1	M2	MP	A
-	-	-	-	-	-	-	-	-	-	-	-	-

3.2

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

MONTE SERENO

Residential Districts

A	R1-8	R1-20	R1-44
-	-	-	-

MORGAN HILL

Residential Districts

						Office	Commercial				Industrial			Other	
RE	R1	R2	R3	R4	RPC	P	CN	CC	CT	CG	ML	MH	MP	A	PUD
+ ¹	+ ¹	+ ¹	+ ¹	+ ¹	x	-	-	-	-	-	-	-	-	-	x

¹Occupancy code requires one bedroom per guest.

MOUNTAIN VIEW

Residential Districts

						Office	Commercial				Industrial			Other	
R1	R2	R3	R3-d	R3-P	R2M	O	CN	CD	CG	C3T	ML	MM		A	P
x	x	x	x	x	x	x	-	-	-	x	-	-		x	

All are for 6 or more

PALO ALTO

Residential Districts

Residential Districts										Office	Commercial							Industrial					Other		
RE	R-1	R-DUP	R2	R3G	R3	R3P	R4	R5	HDA	PF	C1	C2	C2 CFS	C2 GSC	C2 GM	C2 FGM	C3	M1	M2	LM	LM1	LM5	AC	OS	PC
-	-	-	-	-	+	+	+	-	-	+ ¹	+	+	-	-	-	-	+	+	+	-	-	-	-	-	

¹Operated by a governmental agency.

3.3

LARGE FAMILY HOME - CHILDREN

ZONING AND LICENSED CARE FACILITIES
Santa Clara County Planning Dept.
GEF

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

SAN JOSE

Residential Districts

Residential Districts														Office	Commercial				Industrial				Other					
R1B1	R1B2	R1B3	R1B6	R1B8	R1	R2	R3A	R3B	R3C	R3	R3F	R4	C	CL	C1	C2	C3	I	IP-a	IP-b	IP-c	M1	M2	M3	M4	LR	A	TH
-	-	-	-	-	-	-	x	x	x	x	x	x	-	x	x	x	x	-	-	-	-	-	-	-	-	-	-	-

SANTA CLARA

Residential Districts

SANTA CLARA Residential Districts								Office		Commercial					Industrial			Other		
R1-8L	R1-6L	R2-7L	R3-18D	R3-25D	R3-36D	R3-HP	R3-M	OG	OA	CN	CC	CT	CD	CP	MP	MI	MH	A	B	PD
-	-	-	-	-	-	-	-	x	-	-	x	x	x	-	-	-	-	-	x	

SARATOGA

Residential Districts

				Office	Commercial			Industrial		Other	
R1	RM	PD	PC	PA	CN	CC	CS	M		A	
-	x ¹			-	-	x ¹	-	-		-	

¹As a "charitable institution" (nonprofit), or as a lodging house with use permit.

SUNNYVALE

Residential Districts

						Office	Commercial			Industrial				Other	
RO	R1	R2	R3	R4	R-MH	O	CD	C1	C2	C3	M1	M2	M3	M4	PF
x	x	x	x	x	x	x	x	x	x	x	-	-	-	-	x

3.4

LARGE FAMILY HOME--ADULTS

ZONING AND LICENSED CARE FACILITIES
Santa Clara County Planning Dept

GEF

4

The family residence of the licensee in which 24-hour nonmedical care and supervision are provided for not less than 7 nor more than 15 adults.

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

COUNTY OF SANTA CLARA
Residential Districts

COUNTY OF SANTA CLARA														Office			Commercial			Industrial			Other			
Residential Districts																										
R1	R1E	RH1	RHS	R2	R3-4	R3-2,4	R3-1.5	R3-1.2	R3-0.9	R3F	R3	A1	OA	CN	CG	CT	MP	ML	MH	S	SS	A	RP			
x ¹	x ²	-	-	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	+ ^{3,4}	x	x ¹	x ^{3,4}	+ ⁴	+ ⁴	-	+ ⁴	+ ⁴	-	x ⁴	-	-			

^{1,2}As boarding homes with 5 or fewer guest rooms, number of occupants unlimited (6 or more guest rooms is a Hotel)
¹Not less than ½ Acre ²Not less than 1 Acre ³Boarding home (see 1 & 2, no acreage requirement) ⁴As a Hotel

CAMPBELL

Residential Districts

Residential Districts					Office	Commercial					Industrial			Other		
R1	RD	RM-S	R2-S	R3-S	PO	Civic Center	C1-S	C2-S	C3-S	CH	CC	CM-B	M1-S	M2-S	PD	PF
-	-	-	x	+	-	-	-	-	-	-	-	-	-	-	x	-

CUPERTINO

Residential Districts

Residential Districts				Office			Commercial		Industrial		Other			
R1	R2	R3	A1-43	BQ	OA	OP	CG		ML	MP		A	BR	P
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

GILROY

Residential Districts

				Office	Commercial		Industrial			Other	
R1	R2	R3	R3X	PO	C1	C2	M1	M2	M3	PUD	
x	x	x	x	-	x	x		x	x		

4.1

LARGE FAMILY HOME--ADULTS

ZONING AND LICENSED CARE FACILITIES
Santa Clara Planning Dept.

GEF

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

LOS ALTOS

Residential Districts

Residential Districts										Office					Commercial					Other			
R1	R1	R1	R1	R3-	R3	R3	R3-	R3		OAD	OA	OA-	OAD/		CN		CD	CRS	CT	CRS/		PUD	PCF
-10	-H	-20	-40	4.5	-5	-3	1.8	-1				-1	4.5	R3	CN	-T				OAD			
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	x

LOS ALTOS HILLS

Residential Districts

										All zones									

LOS GATOS

Residential Districts

						Office	Commercial				Industrial			Other	
R1	RD	RM	RMH	HR	RM	O	CH	CC	C1	C2	LM	CM	RP	PD	RC
x	x	-	x	-	x	-	-	-	-	-	-	-	-	-	-

MILPITAS

Residential Districts

			Office	Commercial				Industrial			Other	
R1	R2	R3	CO	TC	C1	C2	C3	HS	M1	M2	MP	A
-	-	-	-	-	-	-	-	-	-	-	-	-

4.2

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

MONTE SERENO

Residential Districts

A	R1-8	R1-20	R1-44
-	-	-	-

MORGAN HILL

Residential Districts

Office						Commercial					Industrial			Other	
RE	R1	R2	R3	R4	RPC	P	CN	CC	CT	CG	ML	MH	MP	A	PUD
+ ¹	+ ¹	+ ¹	+ ¹	+ ¹	x	-	-	-	-	-	-	-	-	-	x

¹Occupancy code requires one bedroom per guest.

MOUNTAIN VIEW

Residential Districts

Office						Commercial				Industrial			Other	
R1	R2	R3	R3-d	R3-P	R2M	O	CN	CD	CG	C3T	ML	MM	A	P
x	x	x	x	x	x	x	-	-	-	x	-	-	x	x

All are for 6 or more.

PALO ALTO

Residential Districts

Office										Commercial								Industrial					Other		
RE	R-1	R-DUP	R2	R3G	R3	R3P	R4	R5	HDA	PF	C1	C2	C2S	C2G	C2M	C2C	C3	M1	M2	LM	LM1	LM5	AC	OS	PC
-	-	-	-	-	+	+	+	-	-	+ ¹	+	+	-	-	-	-	+	+	+	-	-	-	-	-	-

¹Operated by a governmental agency.

4.3

LARGE FAMILY HOME--ADULTS

ZONING AND LICENSED CARE FACILITIES
Santa Clara County Planning Dept.
GEF

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

SAN JOSE

Residential Districts

Office														Commercial				Industrial				Other					
R1B1	R1B2	R1B3	R1B6	R1B8	R1	R2	R3A	R3B	R3C	R3	R3F	R4	C	CL	C1	C2	C3	IP-a	IP-b	IP-c	M1	M2	M3	M4	LR	A	TM
-	-	-	-	-	-	-	x	x	x	x	x	x	x	x	x	x	x	-	-	-	-	-	-	-	-	-	

SANTA CLARA

Residential Districts

Office								Commercial					Industrial				Other			
R1-8L	R1-6L	R2-7L	R3-18D	R3-25D	R3-36D	R3-HD	R3-M	OG	QA	CN	CC	CT	CD	CP	MP	M1	MH	A	B	PD
-	-	-	-	-	-	-	-	x	+ ¹	-	x	x	x	-	-	-	-	-	x	

¹"Homes for the ambulatory aged."

SARATOGA

Residential Districts

Office				Commercial			Industrial		Other	
R1	RM	PD	PC	PA	CN	CC	CS	M	A	
-	x ¹			-	-	x ¹	-	-	-	

¹"Charitable Institutions" (nonprofit), or as a lodging house with a use permit.

SUNNYVALE

Residential Districts

Office						Commercial				Industrial				Other	
RO	R1	R2	R3	R4	R-MH	O	CD	C1	C2	C3	M1	M2	M3	M4	PF
x	x	x	x	x	x	x	x	x	x	x	-	-	-	-	x

4.4

A facility of any capacity that provides services on a 24-hour basis
in a group setting to children who need care and supervision.

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

COUNTY OF SANTA CLARA

Residential Districts										Office	Commercial			Industrial			Other				
R1	RIE	RH1	RHS	R2	R3	R3-	R3-	R3-	R3		OA	CN	CG	CT	MP	ML	MH	S	SS	A	RP
x ¹	x ²	-	-	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ¹	x ^{3,4}	x ^{3,4}	x ⁴	x ⁴	-	x ⁴	x ⁴	-	x ⁴	-	-

^{1,2}As boarding homes with 5 or fewer guest rooms, number of occupants unlimited (6 or more guest rooms is a Hotel)
¹Not less than 1/2 Acre ²Not less than 1 Acre ³Boarding home (see 1 & 2, no acreage requirement) ⁴As a Hotel

CAMPBELL

Residential Districts					Office	Commercial					Industrial			Other		
R1	RD	RM-S	R2-S	R3-S	PO	Civic Center	C1-S	C2-S	C3-S	CH	CC	CM-B	M1-S	M2-S	PD	PF
-	-	-	x	+	-	-	-	-	-	-	-	-	-	-	x	-

CUPERTINO

Residential Districts				Office			Commercial	Industrial		Other			
R1	R2	R3	A1-43	BQ	OA	OP	CG		ML	MP	A	BR	P
-	-	-		x	-	-	x		-	-	-	-	

GILROY

Residential Districts				Office	Commercial		Industrial			Other	
R1	R2	R3	R3X	PO	C1	C2	M1	M2	M3	PUD	
x	x	x	x	x	x	x	x	x	x	x	

5.1

GROUP HOME--CHILDREN

ZONING AND LICENSED CARE FACILITIES
Santa Clara Planning Dept.
GEF

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

LOS ALTOS

Residential Districts									Office	Commercial					Other		
R1	RI	R1	R1	R3-	R3	R3	R3-	R3		OA	OA-	OAD/	CN	CRS/	PUD	PCF	
-10	-H	-20	-40	4.5	-5	-3	1.8	-1	OAD	OA	-1	4,5	R3	-T	CD	CRS	CT
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

LOS ALTOS HILLS

Residential Districts																			
All zones																			

LOS GATOS

Residential Districts						Office	Commercial				Industrial			Other	
R1	RD	RIM	RMH	HR	RM	O	CH	CC	C1	C2	LM	CM	RP	PD	RC
x ¹	x ¹	-	x ¹	-	x ¹	-	-	-	-	-	-	-	-	-	-

¹As a "group foster home", 15 maximum.

MILPITAS

Residential Districts			Office	Commercial				Industrial			Other	
R1	R2	R3	CO	TC	C1	C2	CS	HS	M1	M2	MP	A
-	-	-	-	-	-	-	-	-	-	-	-	-

5.2

KEY: + = Use allowed by right
 x = Use permit required
 - = Use prohibited
 (blank) = Clarification required

MONTE SERENO

Residential Districts

A	R1-8	R1-20	R1-44
-	-	-	-

MORGAN HILL

Residential Districts

						Office	Commercial				Industrial			Other	
RE	R1	R2	R3	R4	RPC	P	CN	CC	CT	CG	ML	MM	MP	A	PUD
-	-	-	x	x	x	-	-	-	-	-	-	-	-	-	x

MOUNTAIN VIEW

Residential Districts

						Office	Commercial				Industrial			Other	
R1	R2	R3	R3-d	R3-P	R2M	O	CN	CD	CG	C3T	ML	MM		A	P
x	x	x	x	x	x	x	-	-	-	x	-	-		x	x

All are for 6 or more.

PALO ALTO

Residential Districts

										Office	Commercial							Industrial					Other		
RE	R-1	R-DUP	R2	R3G	R3	R3P	R4	R5	HDA	PF	C1	C2	C2S	C2G	C2GM	C3	M1	M2	LM	LMI	LMS	AC	OS	PC	
-	-	-	-	-	+	+	+	-	-	+ ¹	+ ¹	+ ¹	-	-	-	-	+	+	-	-	-	-	-	-	

¹Operated by a governmental agency.

5.3

GROUP HOME--CHILDREN

ZONING AND LICENSED CARE FACILITIES
Santa Clara County Planning Dept.
GEF

KEY: + = Use allowed by right
 x = Use permit required
 - = Use prohibited
 (blank) = Clarification required

SAN JOSE

Residential Districts

														Office	Commercial				Industrial				Other						
R1B1	R1B2	R1B3	R1B6	R1B8	R1	R2	R3A	R3B	R3C	R3	R3F	R4		C	CL	C1	C2	C3	I	IP-a	IP-b	IP-c	M1	M2	M3	M4	LR	A	TH
-	-	-	-	-	-	-	x	x	x	x	x	x	x	x	x	x	x	x	-	-	-	-	-	-	-	-	-	-	-

SANTA CLARA

Residential Districts

									Office	Commercial						Industrial				Other		
R1-8L	R1-6L	R2-7L	R3-18D	R3-25D	R3-36D	R3-HD	R3-M		OG	OA	CN	CC	CT	CD	CP	MP	M1	MH		A	B	PD
-	-	-	-	-	-	-	-	-	x	-	-	x	x	x	-	-	-	-	-	-	x	

SARATOGA

Residential Districts

				Office	Commercial			Industrial		Other	
R1	RM	PD	PC	PA	CN	CC	CS	M		A	
-	x ¹			-	-	x ¹	-	-		-	

¹As a "charitable institution" (nonprofit), or as a lodging house with use permit.

SUNNYVALE

Residential Districts

						Office	Commercial				Industrial				Other	
RQ	R1	R2	R3	R4	R-MM	O	CD	C1	C2	C3	M1	M2	M3	M4	PF	
x	x	x	x	x	x	x	x	x	x	x	-	-	-	-	x	

5.4

GROUP HOME--ADULTS

ZONING AND LICENSED CARE FACILITIES
Santa Clara County Planning Dept

6

GEF

A facility of any capacity that provides services on a 24-hour basis in a group setting to adults who need or desire care and supervision.

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

COUNTY OF SANTA CLARA

Residential Districts

										Office		Commercial			Industrial			Other					
R1	R1E	RH1	RHS	R2	R3	R3-	R3-	R3	R3	R3F	R3	AI	OA	CN	CG	CT	MP	ML	MH	S	SS	A	RP
x^1	x^2	-	-	x^1	x^1	x^1	x^1	x^1	x^1	x^1	x^1	x^1	x^1	$x^{3,4}$	x^3	x^4	-	x^4	x^4	-	x^4	-	-

^{1,2}As boarding homes with 5 or fewer guest rooms, number of occupants unlimited (6 or more guest rooms is a Hotel)
¹Not less than 1/2 Acre ²Not less than 1 Acre ³Boarding home (see 1 & 2, no acreage requirement) ⁴As a Hotel

CAMPBELL

Residential Districts

R1	RD	RM-S	R2-S	R3-S	P0	Civic Center	C1-S	C2-S	C3-S	CH	CC	CM-B	M1-S	M2-S	PD	PF
-	-	-	x	+	-	-	-	-	-	-	-	-	-	-	x	-

CUPERTINO

Residential Districts

R1	R2	R3	AI-43	BQ			OA	OP	CG	ML	MP	A	BR	P
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

GILROY

Residential Districts

R1	R2	R3	R3X					P0	C1	C2				M1	M2	M3			PUD
x	x	x	x					x	x	x				x	x	x			x

6.1

GROUP HOME--ADULTS

ZONING AND LICENSED CARE FACILITIES
Santa Clara Planning Dept.

GEF

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

LOS ALTOS

Residential Districts

										Office	Commercial			Industrial			Other			
R1	R1	R1	R1	R3-	R3	R3	R3-	R3	R3	OA	OA	OA-	OAD/	CN	CD	CRS	CT	CRS/	PUD	PCF
-10	-H	-20	-40	4.5	-5	-3	1.8	-1	-	OAD	OA	-1	4.5	OAD/	-T	OAD	OAD	OAD	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	x

LOS ALTOS HILLS

Residential Districts

All zones																			

LOS GATOS

Residential Districts

							Office	Commercial				Industrial			Other		
R1	RD	R1M	RMH	HR	RM	MR	O	CH	CC	C1	C2	LM	CM	RP	PD	RC	
x ¹	x ¹	-	x ¹	-	x ¹	-	-	-	-	-	-	-	-	-	-	-	

¹As a "group foster home", 15 maximum.

MILPITAS

Residential Districts

RESIDENTIAL OFFSETS			OFFICE		COMMERCIAL				INDUSTRIAL			OTHER	
R1	R2	R3	CO	TC	C1	C2	CS	HS	M1	M2	MP	A	
-	-	-	-	-	-	-	-	-	-	-	-	-	

6.2

KEY: + = Use allowed by right
 x = Use permit required
 - = Use prohibited
 (blank) = Clarification required

MONTE SERENO

Residential Districts

A	R1-8	R1-20	R1-44
-	-	-	-

MORGAN HILL

Residential Districts

Residential Districts						Office	Commercial				Industrial			Other	
RE	R1	R2	R3	R4	RPC	P	CN	CC	CT	CG	ML	MM	MP	A	PUD
-	-	-	x	x	x	-	-	-	-	-	-	-	-	-	x

MOUNTAIN VIEW

Residential Districts

Residential Districts						Office	Commercial				Industrial		Other	
R1	R2	R3	R3-d	R3-P	R2M	O	CN	CD	CG	C3T	ML	MM	A	P
x	x	x	x	x	x	x	-	-	-	x	-	-	x	x

All are for 6 or more.

PALO ALTO

Residential Districts

Residential Districts										Office	Commercial								Industrial				Other		
RE	R-1	R-DUP	R2	R3G	R3	R3P	R4	R5	HDA	PF	C1	C2	C2S	C2G	C2M	C2C	M1	M2	LM	LM1	LM5	AC	OS	PC	
-	-	-	-	-	+	+	+	-	-	+ ¹	+	+	-	-	-	+	+	+	-	-	-	-	-	-	

¹Operated by a governmental agency.

6.3

GROUP HOME--ADULTS

ZONING AND LICENSED CARE FACILITIES
Santa Clara County Planning Dept.
GEF

KEY: + = Use allowed by right
 x = Use permit required
 - = Use prohibited
 (blank) = Clarification required

SAN JOSE

Residential Districts

Residential Districts														Office	Commercial				Industrial				Other				
R1B1	R1B2	R1B3	R1B6	R1B8	R1	R2	R3A	R3B	R3C	R3	R3F	R4	C	CL	C1	C2	C3	IP-a	IP-b	IP-c	M1	M2	M3	M4	LR	A	TM
-	-	-	-	-	-	-	x	x	x	x	x	x	x	x	x	x	x	-	-	-	-	-	-	-	-	-	

SANTA CLARA

Residential Districts

Residential Districts								Office	Commercial				Industrial				Other			
R1-8L	R1-6L	R2-7L	R3-18D	R3-25D	R3-36D	R3-HD	R3-M	OG	OA	CN	CC	CT	CD	CP	MP	M1	MH	A	B	PD
-	-	-	-	-	-	-	-	x	-	-	x	x	x	-	-	-	-	-	-	x

SARATOGA

Residential Districts

Residential Districts				Office	Commercial			Industrial		Other	
R1	RM	PD	PC	PA	CN	CC	CS	M	A		
-	x ¹	-	-	-	-	x ¹	-	-	-		

¹As a "Charitable Institution" (nonprofit), or as a lodging house with use permit.

SUNNYVALE

Residential Districts

Residential Districts						Office	Commercial			Industrial				Other	
RO	R1	R2	R3	R4	R-MH	O	CD	C1	C2	C3	M1	M2	M3	M4	PF
x	x	x	x	x	x	x	x	x	x	x	-	-	-	-	-

6.4

SMALL FAMILY DAY HOME--ADULTS

The family residence of the licensee in which nonmedical care and supervision are provided for not more than 6 adults during a portion of the day.

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

COUNTY OF SANTA CLARA

Residential Districts													Office	Commercial			Industrial			Other			
R1	R1E	RH1	RHS	R2	R3-4	R3-2.4	R3-1.5	R3-1.2	R3-0.9	R3F	R3	A1	OA	CN	CG	CT	MP	ML	MH	S	SS	A	RP
+	+	-	-	+	+	+	+	+	+	+	+	+	+	x	-	-	-	-	-	-	-	-	x

1 As a home occupation

CAMPBELL

Residential Districts					Office	Commercial					Industrial			Other		
R1	RD	RM-S	R2-S	R3-S	P0	Civic Center	C1-S	C2-S	C3-S	CH	CC	CM-B	M1-S	M2-S	PD	PF
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

CUPERTINO

Residential Districts				Office			Commercial	Industrial		Other			
R1	R2	R3	A1-43	BQ	QA	OP	CG		ML	MP	A	BR	P
-	-	-		-	-	-	-		-	-	-	-	

GILROY

Residential Districts				Office	Commercial		Industrial			Other	
R1	R2	R3	R3X	P0	C1	C2	M1	M2	M3	PUD	
+	+	+	+	x	x	x	x	x	x	x	

8.1

SMALL FAMILY DAY HOME--ADULTS

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

LOS ALTOS

Residential Districts									Office				Commercial					Other		
R1-10	R1-H	R1-20	R1-40	R3-4.5	R3-5	R3-3	R3-1.8	R3-1	OAD	OA	OA-1	OA-4.5	OAD/R3	CN	CT	CRS	CT	CRS/OAD	PUD	ECF
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	x	x

LOS ALTOS HILLS

Residential Districts																			
All zones																			

LOS GATOS

Residential Districts						Office	Commercial				Industrial			Other	
R1	RD	R1M	RMH	HR	RM	O	CH	CC	C1	C2	LM	CM	RP	PD	RC
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

MILPITAS

Residential Districts			Office	Commercial				Industrial			Other	
R1	R2	R3	CO	TC	C1	C2	CS	HS	M1	M2	MP	A
-	-	-	-	-	-	-	-	-	-	-	-	-

8.2

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

MONTE SERENO

Residential Districts

A	R1-8	R1-20	R1-44
-	-	-	-

MORGAN HILL

Residential Districts

Office						Commercial				Industrial			Other		
RE	R1	R2	R3	R4	RPC	P	CN	CC	CT	CG	ML	MH	MP	A	PUD
			x	x	x	-	-	-	-	-	-	-	-	-	x

MOUNTAIN VIEW

Residential Districts

Office						Commercial				Industrial			Other	
R1	R2	R3	R3-d	R3-P	R2M	O	CN	CD	CG	C3T	ML	MM	A	P
x	x	x	x	x	x	x	-	-	-	x	-	-	x	

PALO ALTO

Residential Districts

Office										Commercial								Industrial					Other					
RE	R-1	R-DUP	R2	R3G	R3	R3P	R4	R5	HDA	PF	C1	C2	CFS	C2	GSC	C2	C2	GM	FGM	C3	M1	M2	LM	LM1	LMS	AG	OS	PC
-	-	-	-	-	-	+	+	+	-	+	+	+	-	-	-	-	-	+	+	+	+	+	-	-	-	-	-	-

¹ Operated by a governmental agency.

B.3

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

SAN JOSE

Residential Districts

Office												Commercial				Industrial				Other								
R1B1	R1B2	R1B3	R1B6	R1B8	R1	R2	R3A	R3B	R3C	R3	R3F	R4	C	CL	C1	C2	C3	I	IP-a	IP-b	IP-c	M1	M2	M3	M4	LR	A	TH
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

SANTA CLARA

Residential Districts

Office								Commercial				Industrial				Other				
R1-8L	R1-6L	R2-7L	R3-18D	R3-25D	R3-36D	R3-HD	R3-M	OG	QA	CN	CC	CT	CD	CP	MP	M1	MH	A	B	PD
+	+	+	+	+	+	+	+	-	-	-	-	-	-	-	-	-	-	+	x	

SARATOGA

Residential Districts

Office				Commercial			Industrial			Other	
R1	RM	PD	PC	PA	CN	CC	CS	M	A		
x	x	x	x	x	-	-	-	-	x		

SUNNYVALE

Residential Districts

Office						Commercial				Industrial				Other	
RO	R1	R2	R3	R4	R-MH	O	CD	C1	C2	C3	M1	M2	M3	M4	PF
x	x	x	x	x	x	x	x	x	x	x	-	-	-	-	+

¹ Operated by a governmental agency.

C.1

LARGE FAMILY DAY HOME--ADULTS

ZONING AND LICENSED CARE FACILITIES
Santa Clara County Planning Dept.
GEF

10

The family residence of the licensee in which nonmedical care and supervision are provided for not less than 7 nor more than 15 adults during a portion of the day.

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

COUNTY OF SANTA CLARA

Residential Districts

Residential Districts													Office	Commercial			Industrial			Other			
R1	R1E	RH1	RHS	R2	R3-4	R3-2,4	R3-1.5	R3-1.2	R3-.9	R3F	R3	A1	OA	CN	CG	CT	MP	ML	MH	S	SS	A	RP
x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x

As "educational institutions".

CAMPBELL

Residential Districts

Residential Districts					Office	Commercial					Industrial			Other		
R1	RD	RM-S	R2-S	R3-S	P0	Civic Center	C1-S	C2-S	C3-S	CH	CC	CM-B	M1-S	M2-S	PD	PF
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

CUPERTINO

Residential Districts

Residential Districts				Office			Commercial		Industrial		Other		
R1	R2	R3	A1-43	BQ	OA	OP	CG		ML	MP	A	BR	P
-	-	-	-	-	-	-	-	-	-	-	-	-	-

GILROY

Residential Districts

				Office	Commercial		Industrial			Other	
R1	R2	R3	R3X	P0	C1	C2	M1	M2	M3	PUD	
x	x	x	x	x	x	x	x	x	x	x	

10.1

LARGE FAMILY DAY HOME--ADULTS

ZONING AND LICENSED CARE FACILITIES
Santa Clara Planning Dept.

GEF

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

LOS ALTOS

Residential Districts

Residential Districts										Office				Commercial					Other			
R1	R1	R1	R1	R3-	R3	R3	R3-	R3		OAD	OA	OA-	OA-	OAD/	CN	CN	CD	CRS	CT	CRS/	PUD	PCF
-10	-H	-20	-40	4.5	-5	-3	1.8	-1				-1	4.5	R3	-T					OAD		
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	x

LOS ALTOS HILLS

Residential Districts

All zones																			
-																			

LOS GATOS

Residential Districts

							Office	Commercial				Industrial			Other	
R1	RD	RM	RMH	HR	RM	MR	O	CH	CC	C1	C2	LM	CM	RP	PD	RC
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

MILPITAS

Residential Districts

			Office	Commercial				Industrial			Other	
R1	R2	R3	CO	TC	C1	C2	CS	HS	M1	M2	MP	A
-	-	-	-	-	-	-	-	-	-	-	-	-

10.2

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

MONTE SERENO

Residential Districts

A	R1-8	R1-20	R1-44
-	-	-	-

MORGAN HILL

Residential Districts

						Office	Commercial					Industrial			Other	
RE	R1	R2	R3	R4	RPC	P	CN	CC	CT	CG		ML	MH	MP	A	PUD
			x	x	x	-	-	-	-	-		-	-	-	-	x

MOUNTAIN VIEW

Residential Districts

						Office	Commercial					Industrial			Other	
R1	R2	R3	R3-d	R3-P	R2M	O	CN	CD	CG	C3T		ML	MM		A	P
x	x	x	x	x	x	x	-	-	-	x		-	-		x	

PALO ALTO

Residential Districts

Residential Districts										Office	Commercial								Industrial					Other		
RE	R-1	R-DUP	R2	R3G	R3	R3P	R4	R5	HDA	PF	C1	C2	C2 CFS	C2 G5C	C2 GM	C2 FGM	C3	M1	M2	LM	LM1	LM5	AC	OS	PC	
-	-	-	-	-	+	+	+	-	-	+ ¹	+	+	-	-	-	-	+	+	+	-	-	-	-	-		

¹ Operated by a governmental agency.

10.3

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

SAN JOSE

Residential Districts

Residential Districts														Office	Commercial				Industrial				Other					
R1B1	R1B2	R1B3	R1B6	R1B8	R1	R2	R3A	R3B	R3C	R3	R3F	R4	C	CL	C1	C2	C3	I	IP-a	IP-b	IP-c	M1	M2	M3	M4	LR	A	TM
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

SANTA CLARA

Residential Districts

Residential Districts								Office		Commercial					Industrial			Other		
R1-8L	R1-6L	R2-7L	R3-18D	R3-25D	R3-36D	R3-HD	R3-M	OG	QA	CN	CC	CT	CD	CP	MP	M1	MH	A	B	PD
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

SARATOGA

Residential Districts

				Office	Commercial			Industrial		Other	
R1	RM	PD	PC	PA	CN	CC	CS	M		A	
x	x	x	x	x	-	-	-	-		x	

SUNNYVALE

Residential Districts

						Office	Commercial			Industrial				Other	
R0	R1	R2	R3	R4	R-MH	O	CD	C1	C2	C3	M1	M2	M3	M4	PF
x	x	x	x	x	x	x	x	x	x	x	-	-	-	-	+ ¹

¹ Operated by a governmental agency.

10.4

A facility of any capacity that provides nonmedical care and other services and in a group setting to adults during a portion of the day.

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

COUNTY OF SANTA CLARA

Residential Districts													Office	Commercial			Industrial			Other			
R1	R1E	RH1	RHS	R2	R3	R3-	R3-	R3-	R3	R3F	R3	A1	OA	CN	CG	CT	MP	ML	MH	S	SS	A	RP
x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x

As "educational institutions".

CAMPBELL

Residential Districts					Office	Commercial			Industrial			Other				
R1	RD	RM-S	R2-S	R3-S	PO	Civic Center	C1-S	C2-S	C3-S	CH	CC	CM-B	M1-S	M2-S	PD	PF

CUPERTINO

Residential Districts				Office			Commercial	Industrial		Other			
R1	R2	R3	A1-43	BQ	OA	OP	CG		ML	MP	A	BR	P
-	-	-		-	-	-	-		-	-	-	-	

GILROY

Residential Districts				Office	Commercial		Industrial			Other	
R1	R2	R3	R3X	PO	C1	C2	M1	M2	M3	PUD	
x	x	x	x	-	-	-	-	-	-		

For 7 or more.

14.1

DAY CARE CENTER--ADULTS

ZONING AND LICENSED CARE FACILITIES
Santa Clara Planning Dept.
GEF

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

LOS ALTOS

Residential Districts										Office	Commercial					Other		
R1	R1	R1	R1	R3-	R3	R3	R3-	R3	R3	OAD	OA	OA	OA-	OAD/	CN	CRS/	PUD	PCF
-10	-H	-20	-40	4.5	-5	-3	1.8	-1		OAD	OA	-1	4.5	R3	-T	OAD		
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	x

LOS ALTOS HILLS

Residential Districts																			
All zones																			

LOS GATOS

Residential Districts						Office	Commercial				Industrial			Other	
R1	RD	RM	RMH	HR	RM	O	CH	CC	C1	C2	LM	CM	RP	PD	RC
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

MILPITAS

Residential Districts			Office	Commercial				Industrial			Other	
R1	R2	R3	CO	TC	C1	C2	CS	HS	M1	M2	MP	A
x	x	-	x	x	x	x	x	x	x	x	x	x

Note: This use as a part of an established church program or as a community center is possible in any district with a use permit.

14.2

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

MONTE SERENO

Residential Districts

A	R1-8	R1-20	R1-44
x	x	x	x

As religious institutions only.

MORGAN HILL

Residential Districts

						Office	Commercial				Industrial			Other	
RE	R1	R2	R3	R4	RPC	P	CN	CC	CT	CG	ML	MM	MP	A	PUD
-	-	-	x	x	x	-	-	-	-	-	-	-	-	-	x

MOUNTAIN VIEW

Residential Districts

						Office	Commercial				Industrial			Other	
R1	R2	R3	R3-d	R3-P	R2M	O	CN	CD	CG	C3T	ML	MM		A	P
x	x	x	x	x	x	x	-	-	-	x	-	-		x	

PALO ALTO

Residential Districts

Residential Districts										Office	Commercial							Industrial					Other		
RE	R-1	R-DUP	R2	R3G	R3	R3P	R4	R5	HDA	PF	C1	C2	C2 CFS	C2 GSC	C2 GM	C2 FGM	C3	M1	M2	LM	LM1	LM5	AC	OS	PC
+	-	-	-	-	+	+	+	-	-	+ ¹	+	+	-	-	-	-	+	+	+	-	-	-	-	-	

¹Operated by a governmental agency.

14.3

DAY CARE CENTER--ADULTS

ZONING AND LICENSED CARE FACILITIES
Santa Clara County Planning Dept.
GEF

KEY: + = Use allowed by right
x = Use permit required
- = Use prohibited
(blank) = Clarification required

SAN JOSE

Residential Districts

Residential Districts													Office	Commercial				Industrial							Other			
R1B1	R1B2	R1B3	R1B6	R1B8	R1	R2	R3A	R3B	R3C	R3	R3F	R4	C	CL	C1	C2	C3	I	IP-a	IP-b	IP-c	M1	M2	M3	M4	LR	A	TM
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

SANTA CLARA

Residential Districts

Residential Districts								Office		Commercial					Industrial			Other		
R1-8L	R1-6L	R2-7L	R3-18D	R3-25D	R3-36D	R3-HD	R3-M	OG	OA	CN	CC	CT	CD	CP	MP	M1	MH	A	B	PD
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

SARATOGA

Residential Districts

				Office	Commercial			Industrial		Other	
R1	RM	PD	PC	PA	CN	CC	CS	M		A	
x	x	x	x	x	-	-	-	-		x	

SUNNYVALE

Residential Districts

						Office	Commercial			Industrial				Other	
R0	R1	R2	R3	R4	R-MH	O	CD	C1	C2	C3	M1	M2	M3	M4	PF
x	x	x	x	x	x	x	x	x	x	x	-	-	-	-	+ ¹

¹Operated by a governmental agency.

14.4

A P P E N D I X D

Summary of Zoning Ordinance Provisions
Relating To
Community Care Facilities
Within
Santa Clara County

County of Santa Clara
Planning Department
March 1976

APPENDIX D

SUMMARY OF ZONING ORDINANCE PROVISIONS RELATING TO LICENSED CARE FACILITIES WITHIN SANTA CLARA COUNTY

This is a compilation of excerpts from the zoning ordinances of each of the jurisdictions in the County of Santa Clara. Each ordinance was reviewed by city and County Planning Department staff and only those regulations which are related to the new state regulations for Community Care Facilities, Title 22, California Administrative Code, Division 5, were extracted. In some instances the language of the ordinances has been simplified and some unrelated material has been deleted in the interest of simplicity.

This summary has been used as the basis for indicating on the tables in Appendix C whether or not the various types of proposed community care facilities would be allowed and, if so, under what conditions.

COUNTY OF SANTA CLARA

Family: One or more persons occupying a premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity, or sorority house. A family shall be deemed to include necessary servants.

Boarding home: Any building used for the renting of rooms or providing of table, board, or both, for three (3) or more persons over the age of sixteen (16) years who are not related by blood or marriage to the resident-operator thereof.

Article 36. Special Use Regulations Applicable to All Zoning Districts:

(Uses allowed subject to use permit in all zoning districts:)

1. Educational, charitable, and philanthropic institutions.

Article 37. Special Use Regulations Applicable to Certain Districts:

The following accessory use shall be allowed in any R (residential) zoning district provided such accessory use does not alter the character of the premises in respect to the use for the purpose permitted in the district.

1. The renting of rooms and/or the providing of table and board . . . to not more than 2 persons

Al Agriculture and Single Family Residential Zoning Districts

Uses permitted:

1. Home occupations

Uses permitted upon securing of a use permit:

1. Uses not specifically permitted above are permitted in this zoning district.

R1E One-Family Residence Estate Zoning District

Uses permitted:

1. Home occupations

Uses permitted subject to the securing of a use permit:

1. Boarding homes on building sites in one ownership having an area of not less than one acre.

R1 One-Family, R2 Two-Family, and R3F Limited Multiple Residence Zoning Districts

Uses permitted:

1. Home occupations

Uses permitted subject to the securing of a use permit:

1. Boarding homes (on building sites having an area of not less than one-half acre, R1 district).

R3-4, R3-2.4, R3-1.5, R3-1.2, R3-.9, R3, Multiple Residence, and OA Office Zoning Districts

Uses permitted:

1. Home occupations
2. Boarding homes

CN and CG Commercial Zoning Districts

Uses permitted subject to the securing of a use permit:

1. Boarding homes

Planning Commission Resolution No. 7606 (9-4-63):

"Day Nursery" licensed by the State Department of Social Welfare was interpreted to be an "educational institution." "Foster home day care nurseries" licensed by the County Welfare Department (Department of Social Services) will be considered a "home occupation." (In April 1972, the total number of children allowed in the latter classification was limited to 6. A use permit will be required for more than that.)

Note: Both of these uses have been interpreted as including both children and adults.

CAMPBELL

Family: Means an individual, or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.

Boardinghouse: Means a building or portion thereof other than a hotel where meals and lodging for five or more persons are provided for compensation.

Lodging house or Rooming house: "Lodging house" (or rooming house) means a building or portion thereof, other than a hotel, where lodging for five or more persons is provided for compensation, including rooming house.

Additional Uses Allowed in All Zoning Districts Subject to a Use Permit:

The commission may, after a public meeting, permit the following. . .:

1. Philanthropic or correctional institution.
2. Nursery school.

R2 Multiple-Family District

Uses subject to securing a conditional use permit:

1. Lodging or boarding home.

Uses Classified by the Planning Commission (not listed in the Municipal Code):

1. Nursery School, use permit required, any zoning district, resolution #266 (10-20-59).
2. Lodging or Boarding homes in R2 zones subject to securing a conditional use permit, resolution #1294 (6-18-73).

R3 Multiple-Family District

Uses (permitted):

1. Institutions of an educational or philanthropic nature, except those of a correctional nature or for mental cases.
2. Boarding or lodging house.

CUPERTINO

Family: A collective body of any two (2) or more persons living together in one (1) house as their common home, with a single kitchen, under one (1) head or management, related to each other by blood, adoption, or common ancestor, including foster children; or two (2) persons living together as man and wife; or a single person; or two (2) persons. Servants who devote a majority of their time to the household shall be included. The family unit must be nonprofit.

Day Care Homes, Family: A family home non-institutional in character, which provides day care only, with or without compensation, for not more than six (6) children under sixteen (16) years of age, including the foster family's children under sixteen (16) years of age.

Day Care Homes, Special: A family home non-institutional in character, which provides day care only with or without compensation, for seven (7) to ten (10) children inclusive under sixteen (16) years of age, including the children of the foster family under sixteen (16) years of age.

R1 Zone:

Uses permitted:

1. Family day care homes.

Use permit required:

1. Special day care homes.
2. Group care activities providing continuous care for 6 or fewer persons on a 24-hour basis, which requires licensing by a governmental agency.

R2 Zone:

Use permit required:

1. A family day care home (see definitions) in each unit of a residential duplex building.
2. A group care activity providing continuous care for 6 or fewer persons. . . which requires licensing by a governmental agency, in each unit of a residential duplex building.

Uses Permitted in a Quasi-Public Building (BQ) Zone:

1. Child care centers and day nurseries.
2. Vocational and specialized schools.

General Commercial (CG) Zones:

Uses requiring a use permit:

1. Child care centers and day nurseries. . . .

GILROY

Family: One or more persons occupying premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity, or sorority house. A family shall be deemed to include necessary servants.

The following uses shall not be construed to be home occupations, or to be qualified as permitted uses accessory to a dwelling unit:

1. Day nursery or other school with organized classes.
2. All other uses similar to the above.

Additional Uses Permitted:

The commission may, after a public hearing, permit the following uses in districts from which they are prohibited by this ordinance where such uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the comprehensive general plan.

1. Day nursery.
2. Educational institution operated by a nonprofit or governmental entity.
3. Senior citizen center.

LOS ALTOS

Family: An individual or two (2) or more persons related by blood, marriage, or adoption and not more than two (2) who need not be related by blood, marriage, or adoption, excluding servants who need not be related. For the purposes of this chapter, three (3) unrelated persons constitute a family but may not take in boarders.

Boarder: A person who is provided meals and/or lodging for compensation.

Day-care center: Any group day-care program except regular elementary schools. Included are day nurseries, nursery schools, play groups, and after-school groups.

Nursery school: (See Day-care center)

Residential care homes for aged persons: A structure in which non-medical services are provided for persons sixty-two (62) years of age and over in accordance with the standards set forth by the Social Welfare Department of the State (and Section 10-2.2202 of Article 22 and Section 10-2.2311 of Article 23 of the Los Altos Zoning Ordinance.)

Roomer: A person who is provided lodging for compensation.

Public and Community Facilities District (PCF)

Permitted uses:

1. Facilities owned, leased, or operated by the City of Los Altos, the County of Santa Clara, the State of California, the United States of America, any public school district, or any other public district within the City of Los Altos.

Conditional uses:

1. Nursery schools and day-care centers.
2. Institutions of an educational or philanthropic nature.
3. Residential care homes for more than 6 persons.

LOS ALTOS HILLS

Family: One person or two or more persons related by blood, marriage, or legal adoption, or a group of not more than 4 unrelated persons.

LOS GATOS

Family: One or more persons related by blood, marriage, or legal adoption, or a group of not more than 5 persons (not including servants) who need not be related by blood or marriage.*

Boardinghouse: Any building used for the renting of rooms or providing of table board for from three (3) to five (5) persons, inclusive, over the age of sixteen (16) years, who are not related by blood or marriage to the resident-operator thereof.

Nursery school: A school for pre-elementary school age children which provides controlled activities and instruction, including, but not limited to, music, art work, swimming instruction, and the reading of stories.

Family Day-care home: Family home, non-institutional in character, which provides day care, less than 24 hours, with or without compensation, for children under 16 years of age who are unrelated to the licensee.

Foster Homes, Group: Any building used to provide residential care for not more than fifteen (15) persons in need of temporary removal from stressful home situations, or from homes to which such persons cannot at the time return, and who do not need a closed institutional setting.

R1 or Single Family Residential Zone, R-D or Duplex Residential Zone, and RMH or Medium Density Residential Hillside Zone:

Uses permitted:

1. Family day care home (for a total of 6 or fewer children, including family children under 16 years of age.)

Use permit required:

1. Foster homes, Group (see definitions).
2. Family day care home (for a total of more than 6 children).
3. Nursery Schools

R-M Multiple Family Residential Zone:

Permitted uses:

1. Family day care home (for a total of 6 or fewer children, including family children under 16 years of age).

* Must be with no compensation (see Boardinghouse).

Use permit required:

1. Foster homes, Group (see definitions).
2. Family day care home (for a total of more than 6 children).
3. Boardinghouses designed and intended exclusively for use by (sic) senior citizens on property zones R-M:5-20.
4. Nursery Schools.

CC, Civic Center Zone; and C2, Central Business District Zone:

Use permit required:

1. Nursery schools.

R-1M or Single Family-Medium Density Residential Zone:

Permitted uses:

1. Family day care home (for a total of 6 or fewer children, including family children).

Use permit required:

1. Family day care home (for a total of more than 6 children).
2. Nursery schools.

MILPITAS

Family: An individual, or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons (excluding servants) not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.

Boardinghouse: A building, or portion thereof, other than a hotel, where meals and lodging for five (5) or more persons are provided for compensation.

Rooming house and Lodging house: A building, or portion thereof, other than a hotel, where lodging for five (5) or more persons is provided for compensation.

Family Day-care home: An establishment in which non-residential day-care only is provided for children under the age of eighteen (18) years (excluding any children residing therein).

R1 Single-Family Residence District:

Permitted uses:

1. Rooming and boarding of not more than 2 persons.
2. A State-authorized, certified, or licensed family care home, foster home, or group home serving 6 or fewer mentally disordered or otherwise handicapped persons or dependent or neglected children provided such home furnishes such care on a 24-hour a day basis. (Adopted 2-19-74.)
3. Family day-care homes for not more than 6 children. (Adopted 2-19-74.)

R2 One- and Two-Family Residence District:

Accessory uses:

1. Rooming and boarding of not more than 2 persons.
2. A State-authorized, certified or licensed family care home, foster home or group home serving 6 or fewer mentally disordered or otherwise handicapped persons or dependent or neglected children providing such home furnishes (such care) on a 24-hour a day basis (adopted 2-19-74).
3. Family day-care homes for not more than 6 children (adopted 2-19-74).

Conditional uses:

1. Rooming and boarding houses for not over 6 guests.
2. Licensed nursing home exceeding 6 persons (adopted 2-19-74).

R3 Multiple-Family District:

Accessory uses:

1. Rooming and boarding of not more than 2 persons.
2. A State-authorized, certified or licensed family care home, foster home or a group home serving 6 or fewer mentally disordered or otherwise handicapped persons or dependent or neglected children provided such home furnished care on a 24-hour a day basis (adopted 2-19-74).

Conditional uses:

1. Rooming and boarding for any number of guests.
2. Hospital, sanitarium or licensed nursing home exceeding 6 persons except for the following: ...hospital, sanitarium, or nursing home used primarily for contagious, mental or drug or alcohol addict cases (adopted 2-19-74).

MONTE SERENO

Family: One or more persons occupying a one-family dwelling and living together as a single non-profit housekeeping unit, as distinguished from a group occupying a rooming or boardinghouse other than as permitted herein, or a hotel or club. A family shall be deemed to include necessary servants; a family shall not be deemed to consist of persons occupying a one-family dwelling and/or its permitted accessory buildings and living as two or more non-profit housekeeping units.

(The following uses are permitted in R1-8 Districts.)

Renting of rooms and/or the providing of table board to not more than two persons so long as no kitchen facilities, other than those of the single kitchen of the main dwelling, are installed or used.

MORGAN HILL

Family: One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants.

House-rooming or boardinghouse: A dwelling other than a **hotel** where lodging and/or meals for three or more persons are provided for compensation.

R-3 Multiple Family Dwelling Zone:

Use permit required:

1. Rooming houses, boardinghouses.

R-4 Institutional Use Zone:

Uses permitted:

1. Rooming houses, boardinghouses.

Planned Unit Development Zones (Minimum 10 Acres):

Any and all uses permitted with use permit. Use permit not required for single family dwelling.

Residential Planned Community Zone:

Residential uses allowed without a use permit in single family dwellings.

MOUNTAIN VIEW

Family: An individual, or two (2) persons related by blood or marriage, or a group of not more than five (5) persons, excluding servants, who need not be related by blood or marriage, living together in a dwelling unit.

Boarding or lodging house: A dwelling or part thereof, other than a hotel or motel, where lodging with or without meals is provided for compensation for three (3) or more persons; or a dwelling unit accommodating six (6) or more unrelated persons living together as a housekeeping unit.

Single Family Residential District or R1 District, and Single Family and Two-Family Residential District or R2 District:

Accessory uses:

1. Rooming and boarding of not more than 2 persons.

Conditional uses:

1. Boarding or lodging houses (see definitions).
2. Day care as a quasi-public educational use.

Multiple Family Residential District or R3 District:

Conditional uses:

1. Boarding or lodging houses, nursing homes, convalescent hospitals and similar residential uses which are no more intense in character than the intensity of use set forth under Section 36.11.7, Density, of the Mountain View Zoning Ordinance.
2. Day care as a quasi-public educational use.

High-Density Residential District or R3-d District:

Conditional uses:

1. Boarding or lodging houses.
2. Day care as a quasi-public educational use.

Planned Residential District or R3P District:

Conditional uses: (development plan required)

1. Boarding or lodging houses.
2. Homes for the aged.
3. Day care as a quasi-public educational use.

Mobile Home Park District or R2M District:

Conditional uses:

1. Rooming and boardinghouses.
2. Day care as a quasi-public educational use.

Administrative and Professional Office District or O District:

Conditional uses:

1. Public and quasi-public uses appropriate to the district such as convalescent hospitals. . . .
2. Day care as a quasi-public educational use.

PALO ALTO

Family: The term "family" shall mean one person living alone, or two or more persons related by blood, marriage, or legal adoption, or a group not exceeding four persons living as a single housekeeping unit.

Boardinghouse: The term "boardinghouse" shall mean a building, or portion thereof, other than a hotel, where regular meals for five or more persons are provided for compensation or profit.

Lodging house: The term "lodging house" shall mean a building, or portion thereof, other than a hotel, providing rooms or sleeping accommodations for five or more persons for compensation, including rooming house.

Family Day-care home: The term "family day-care home" shall mean a facility licensed by the State of California intended or used for day-care purposes for up to ten children, including the children of each resident of such facility who reside on the premises through age sixteen. This term includes nursery schools, pre-schools, and similar type facilities.

Day-care home: The term "day-care" shall mean a home occupation in a facility licensed by the State of California which is intended or used for day-care purposes for up to six (6) children, including the children of each resident of such facility who reside on the premises through age sixteen (16). This term includes nursery schools, pre-schools and similar type facilities.

General Provisions and Exceptions:

Additional uses permitted (in all districts):

1. The renting of rooms and/or the providing of table board for not more than 3 paying guests in a dwelling occupied by a family consisting of one person living alone or two or more persons related by blood, marriage, or legal adoption, provided that a family consisting of:
 - a) Two unrelated individuals may rent rooms and/or provide table board for not more than two paying guests in a dwelling.
 - b) Three unrelated individuals may rent rooms and/or provide table board for not more than one paying guest in a dwelling.
2. Day care homes, provided that a use and occupancy permit is obtained.

R-E District:

Uses requiring use permits:

1. Maternity homes,

R-3 District:

Uses permitted:

1. Boarding and lodging houses.

R-3-P District, and R-4 District:

Uses permitted:

1. Boarding and lodging houses.

Uses requiring use permit:

1. Maternity homes.

C-1 District and C-2 District:

Uses permitted:

1. All uses permitted in R districts.

C-3 District, M-1 District, and M-2 District:

Uses permitted:

1. All uses permitted in R districts.

O-S District:

Uses permitted:

1. One-family dwellings.

Uses requiring use permit:

1. Charitable or philanthropic institutions.

SAN JOSE

Family: One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house.

Boardinghouse: A boardinghouse is an establishment where lodging or lodging with meals (but no separate cooking facilities, no meals without lodging, and no counseling, no medical care, including but not limited to, nursing, therapeutic, or rehabilitative care, no bed care, no supervision, and no other special care or service) is provided to persons for compensation and by prearrangement for periods of one (1) month or more. (Adopted 1-14-75, effective 2-13-75.)

Residential care facility: A residential care facility is an establishment where 24-hour-a-day nonmedical care is provided to persons residing on the premises (but not others) in need of personal services, protection, supervision, assistance, guidance, and training essential for sustaining the activities of daily living or for the protection of the individual. Such establishment must be a facility authorized, certified, or licensed for such nonmedical care pursuant to the provisions of the California Community Care Facilities Act or other applicable State Law (as the same may be amended) and no medical care shall be provided at such establishment except such incidental medical service as may be permitted (without additional authorization, certification or licensing pursuant to State Law) by such authorization, certification or licensing for such nonmedical care. (Adopted 1-14-75, effective 2-13-75.)

Guest: Any person who rents a room for sleeping purposes.

Guest room: A room occupied or intended, arranged, or designed for occupation by one or more guests. Every one hundred square feet of floor area in room occupied by more than two guests shall be considered as an additional guest room.

Family Day-Care Home: An establishment in which nonresidential day care only (but no programmed instruction) is provided for children under the age of eighteen (18) years (excluding any children residing therein).

Family Day-Care Home Use in Certain Residence Districts: Anything in any other sections of this Part*to the contrary notwithstanding: (1) family day-care homes maintained in a one-family dwelling, or a unit is a two-family dwelling, for not more than six (6) children, shall be a permitted use in the R-1, R-1-B-1, R-1-B-2, R-1-B-3, R-1-B-6, R-1-B-8, and R-2 Residence Districts, and (2) such use shall not be permitted in any other district.

* of the San Jose Zoning Ordinance.

Part 3 Exceptions; Uses Which May Be Permitted:

Part 3 Exceptions in any zoning district may be granted for the following uses: Children's mental hygiene care centers; nursery schools (an establishment where non-residential supervision and programmed instruction is given to children under the age of seven (7) years); family day-care homes. (Note: The foregoing do not refer to City-owned facilities since City-owned property and facilities are not, except as otherwise expressly provided elsewhere in this Chapter, subject to any of the requirements or regulations of this Chapter.)

R-1 and R-2 Residence Districts:

Uses permitted: (Adopted 1-14-75, effective 2-13-75)

1. Residential care facilities for 6 or fewer persons.
2. Family Day Care Home for 6 or fewer children under age 18.

Use permit required:

1. Family Day Care Home for 7 or more children under age 18.

R-3, R-3-F, R-3-A, R-3-B, R-3-C, and R-4 Residence Districts:

Uses permitted: (Adopted 1-14-75, effective 2-13-75)

1. Residential care facilities for 6 or fewer persons.
2. Boardinghouse.

Conditional use permit required: (Adopted 1-14-75, effective 2-13-75)

1. Residential care facilities for 7 or more persons (see definitions).
2. Family Day Care Home for 7 or more children under age 18.

C Commercial District (Professional Office) and C-L Commercial District:

Use permit required (adopted 1-14-75, effective 2-13-75):

1. Residential Care Facilities for 7 or more persons.
2. Family Day Care Home for 7 or more children under age 18.

C-1, C-2 & C-3 Commercial District:

Uses permitted:

1. Sanitariums, and clinics (adopted 1-14-75, effective 2-13-75).

Use permit required (adopted 1-14-75, effective 2-13-75): (No use permit required in C-2 and C-3)

1. Residential Care Facilities for 7 or more persons.
2. Family Day Care Home for 7 or more children under age 18.

SANTA CLARA

Family: One or more persons related by blood, marriage or legal adoption, including not more than one additional paying or non-paying guest, living as a single housekeeping unit. For County or State license programs, such as day-care or foster homes for children under eighteen (18) years of age, homes for the aged or infirm and the like, the number of guests may be increased to six (6) where the authorized licensing will ensure that the added occupants will not own or drive automobiles.

Boardinghouse or roominghouse: A dwelling, other than a hotel, where lodging or lodging and meals for two or more persons is provided for compensation.

Homes for the ambulatory aged: Where the proprietor furnishes lodging and varying degrees of custodial care to persons who are elderly, but otherwise in good health and ambulatory.

Regulations for OA, Professional Office Zoning Districts:

The following uses are permitted:

1. Homes ~~for~~ the ambulatory aged.
2. Nursery, preschool.

Regulations for CN, Commercial Neighborhood Zoning Districts:

The following uses are permitted:

1. Nursery, preschool.

Regulations for OG, General Office; CC, Commercial Community; CT, Commercial Thoroughfare; and CD, Commercial Downtown Zoning Districts:

The following uses are permitted:

1. Nursery, preschool.

Conditional uses:

1. Boardinghouses.

Regulations for R3-HD, High Density Multi-Family Zoning Districts:

Uses permitted:

1. Retirement centers.

SARATOGA

Family: An individual or 2 or more persons related by blood or marriage, or a group of not more than 5 persons, not including servants, who need not be related by blood or marriage, living as a single housekeeping unit.

Lodging house: A dwelling in which lodging or lodging and meals are provided for compensation for not more than 15 persons other than members of the resident family, excepting a nursing home as defined in this section.

Nursery school: A school for 5 or more pre-elementary school age children, or use of a site or portion of a site for a group day-care program for 5 or more children other than those resident on the site, including a day nursery, play group or after-school group.

A Agriculture District and R1 One-Family Residential Districts:

Conditional uses:

1. Nursery schools.
2. Public and private charitable* institutions.
3. Lodging houses, in which not more than 3 paying guests may be lodged or boarded.

RM Multi-Family Residential Districts:

Conditional uses:

1. Nursery schools.
2. Public and private charitable institutions.
3. Lodging houses, in which not more than 15 paying guests may be lodged or boarded.

*Means non-profit.

P-A Professional and Administrative Office District:

Conditional uses:

1. Nursery schools.
2. Public and private charitable institutions.

C-C Community Commercial District:

Conditional uses:

1. Charitable institutions.

SUNNYVALE

Family: An individual or two or more persons related by blood, marriage, or legal adoption living together as a single housekeeping unit.

Note: In R0, R1, R2, R3, and R4 (R5 excluded) districts, boarding and lodging of less than 3 persons is allowed.

Boardinghouse: "Boardinghouse" means a building, or portion thereof, where regular meals for five or more persons are provided for compensation or profit for a definite period by prearrangement.

Lodging house: "Lodging house" means a building, or providing rooms or sleeping accommodations for five or more persons for compensation, including rooming houses. "Lodging house" does not include hotels, motels, or mobile or trailer homes.

Day-care center: "Day-care center" means a building, or portion thereof, in which nonresident children are housed between the hours of six a.m. and seven p.m. for compensation or profit.

R-0 and R-1 Single Family Residence Districts:

Uses permitted without use permit:

1. Boarding and lodging for less than 3 persons.
2. Foster Home for children (as a home occupation).

Uses which may be permitted with use permits:

1. Day care centers.
2. Nursery schools.

R-2 Garden Apartment and R-3 Limited Apartment Districts:

Uses permitted without use permits:

1. Boarding and lodging for less than 3 persons.

Uses which may be permitted with use permits:

1. Day care centers.
2. Nursery schools.

R-4 General Apartment District:

Uses permitted without use permits:

1. Boarding and lodging for less than 3 persons.

Uses which may be permitted with use permits:

1. Boarding house and lodging house.
2. Rest homes.
3. One-family dwellings and accessory uses.

R-MH Residential Mobile Home District:

Uses permitted without use permits:

1. Day care centers for children of occupants (of the mobile home park).
2. Nursery schools for children of occupants (of the mobile home park).

C-1, C-2, C-3, Business Districts:

Uses which may be permitted with use permits:

1. Residential uses.

A P P E N D I X E

Some of the
Agencies and Organizations
Involved In
Community Care Facilities

County of Santa Clara
Planning Department
March 1976

APPENDIX E

AGENCIES AND ORGANIZATIONS INVOLVED IN COMMUNITY CARE FACILITIES

	LICENSING & REGULATION	CODES & PERMITS	ZONING
LOCAL	County Department of Social Services <ul style="list-style-type: none"> - Referral Unit - Licensing Unit County Health Department <ul style="list-style-type: none"> - Division of Sanitation 	City/Town <ul style="list-style-type: none"> - Building Inspector/Official - Fire Chief/Inspector County <ul style="list-style-type: none"> - Building Inspector - Fire Marshal - Department of Health, Division of Sanitation 	City/Town <ul style="list-style-type: none"> - Council - Planning Commission - Zoning Administrator - Planning Department County <ul style="list-style-type: none"> - Board of Supervisors - Planning Commission/Board of Zoning Adjustment - Planning Department
STATE	Department of Health	Fire Marshal	

AGENCIES AND ORGANIZATIONS INVOLVED IN COMMUNITY CARE FACILITIES

PROGRAM IMPLEMENTATION		PLANNING, ANALYSIS, COORDINATION, PUBLIC SERVICE
LOCAL	<p>County Department of Health, Bureau of Mental Health Services</p> <ul style="list-style-type: none"> - Aftercare Services Project - Committee on alternatives to hospital treatment - Mental Health Service 	<p>Comprehensive Health Planning Association of Santa Clara County, Mental Health Commission</p> <p>County Department of Health, Bureau of Mental Health</p> <p>Mental Health Association of Santa Clara County</p> <p>Mental Health Advisory Board of Santa Clara County</p> <p>Social Planning Council of Santa Clara County</p> <p>County Planning Policy Committee, Social Concerns Subcommittee</p> <p>County Advisory Commission on Developmentally Disabled</p> <p>County and City Planning Departments</p> <p>Council for Community Action Planning</p> <p>Community of Communities</p> <p>San Jose State Campus Community Improvement Association</p>
REGIONAL	<p>Mental Health Centers</p> <p>Loma Prieta Regional Center for Developmentally Disabled</p>	<p>Bay Area Comprehensive Health Planning Council</p> <p>Area 7, Advisory Commission on Developmentally Disabled</p>
STATE	<p>Department of Health</p>	<p>League of California Cities Action Plan</p> <p>Mental Health Advisory Board Project, Citizens' Advisory Council</p> <p>Department of Health</p>

A P P E N D I X . F

GLOSSARY OF SELECTED TERMS AND DEFINITIONS

County of Santa Clara

Planning Department

September 1975

APPENDIX F

GLOSSARY OF SELECTED TERMS AND DEFINITIONS

- C COMMUNITY CARE FACILITY:** "Community Care Facility" means any facility, place or building which is maintained and operated to provide nonmedical residential care, day care, or homefinding agency services for children, adults, or children and adults, including, but not limited to, the developmentally disabled, physically handicapped, mentally disordered, or incompetent, and includes any residential facility, day facility, and homefinding agency.
- D DWELLING UNIT:** The County zoning ordinance defines dwelling unit as "A building or portion thereof intended for occupancy or occupied, or both, by one family exclusively." The 1970 Uniform Building Code defines a dwelling unit as "One or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating."
- F FAMILY:** According to 1970 census definitions, a family consists of a household head and one or more other persons living in the same household who are related to the household's head by blood or marriage, or adoption. The State Department of Health Policy states that: "Homes licensed for six or fewer persons are considered family". See also "Household".
- H HOUSEHOLD:** Appendix B of the 1975 census report defines a household as: "A household includes all the persons who occupy a group of rooms or a single room which constitutes a housing unit." (The term housing unit used here is synonymous with the term dwelling unit used in zoning ordinances). "A group of rooms or single room is regarded as a housing unit when it is occupied as separate living quarters, that is, when the occupants do not live and eat with any other persons in the structure, and when there is either (1) direct access from the outside of the building or through a common hall or (2) complete kitchen facilities for the exclusive use of the occupants of the household." See also "Dwelling Unit".
- R RESIDENTIAL CARE:** The State regulations for Community Care Facilities defines residential care as 24-hour nonmedical care in the residence of the licensee or in a group facility of any capacity. "Residential Care", in general, means any 24-hour nonmedical care as opposed to "Day Care" which is for only a portion of the day.

APPENDIX G

The Relationship of
State and Local Regulations
to the
"Small Family Home"

County of Santa Clara
Planning Department
March 1976

THE RELATIONSHIP OF STATE AND LOCAL REGULATIONS TO THE "SMALL FAMILY HOME"

This supplement compiles basic State documents dealing with how State codes and regulations relate to local land use regulations for the Small Family Home.

Included in this supplement:

1. Sections 5115 and 5116, Public Welfare and Institutions Code, State of California (commonly referred to as the Lanterman-Petris Act).
2. A chart showing the relationship of the Small Family Home (care for six or fewer persons) to the remainder of the facilities included within the newly adopted State regulations for Community Care Facilities.
3. A memorandum from John Burgeles, County Department of Social Services, to the County Planning Department transmitting:
 - a. A memorandum from the State Department of Health to the State Health District Administrators and County Welfare Directors regarding State Department of Health Policy, and transmitting:
 - b. A memorandum from the Director of the State Department of Health regarding State Department of Health Policy.
 - c. State Department of Health Policy relating to local regulations and facilities caring for six or fewer persons (the Small Family Home).

California Public Welfare & Institutions Code (Excerpt)

Sec. 5115. Declaration of policy: Handicapped persons entitled to live in normal residential surroundings; When use of property for care of handicapped persons deemed residential use for zoning purposes

The Legislature hereby finds and declares:

(a) It is the policy of this state, as declared and established in this act¹ and in the Lanterman Mental Retardation Act of 1969,² that mentally and physically handicapped persons are entitled to live in normal residential surroundings and should not be excluded therefrom because of their disability.

(b) In order to achieve uniform statewide implementation of the policies of this act and those of the Lanterman Mental Retardation Act of 1969, it is necessary to establish the statewide policy that the use of property for the care of six or fewer mentally disordered or otherwise handicapped persons is a residential use of such property for the purpose of zoning.

Sec. 5116. Enumeration of homes considered residential uses for zoning purposes

Pursuant to the policy stated in Section 5115, a state-authorized, certified, or licensed family care home, foster home, or group home serving six or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children, shall be considered a residential use of property for the purposes of zoning if such homes provide care on a 24-hour-a-day basis.

Section 5116 as amended by AB 1856:³

Pursuant to the policy stated in Section 5115, a state-authorized, certified, or licensed family care home, foster home, or group home serving six or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children, shall be considered a residential use of property for the purposes of zoning if such homes provide care on a 24-hour-a-day basis.

Such homes shall be a permitted use in all residential zones--including, but not limited to, residential zones for single-family dwellings. Nothing in this paragraph shall be construed to prohibit any city or county from requiring a conditional use permit in order to maintain any home pursuant to the provisions of this paragraph; provided that no conditions shall be imposed on such homes which are more restrictive than those imposed on other similar dwellings in the same zones unless such additional conditions are necessary to protect the health and safety of the residents.

¹Lanterman-Petris-Short Act (AB 2406).

²Sections 38000 and following, Health and Safety Code.

³Chapter 1127 of the Statutes of 1972.

COMMUNITY CARE FACILITIES

(Which are the subject of a report prepared for the Planning Policy Committee of Santa Clara County, dated October 1975)

RESIDENTIAL FACILITIES (24-Hour)				DAY FACILITIES (To Use for a Portion of the Day)		
Facilities for Children	Small Family Home (6 or Fewer)	Large Family Home (7-12 Persons)	Group Home (Any Capacity)			
Facilities for Adults	Small Family Home (6 or Fewer)	Large Family Home (7-15 Persons)	Group Home (Any Capacity)	Small Family Day Home (6 or Fewer)	Large Family Day Home (7-15 Persons)	Day Care Center (Any Capacity)

NOTE: THE HEAVY LINE INDICATES FACILITIES COVERED BY SECTIONS 5115 AND 5116 OF THE CALIFORNIA PUBLIC WELFARE AND INSTITUTIONS CODE (LANTERMAN-PETRIS-SHORT ACT AND SUBSEQUENT AMENDMENT)

County of Santa Clara
California

Department of Social Services
55 West Younger Avenue
San Jose, California 95114

August 14, 1975

County of Santa Clara Planning Dept.
Administration Building
70 West Hedding
San Jose, California 95110

RECEIVED
AUG 21 1975

COUNTY OF SANTA CLARA
PLANNING DEPARTMENT

Gentlemen:

We wish to share with your Department the two attached directives recently received from the Department of Health.

Sincerely,


JOHN W. BURGELES
RCH LICENSING SUPERVISOR

JWB:jm

Enc.

DEPARTMENT OF HEALTH

714 P STREET
SACRAMENTO, CALIFORNIA 95814



July 25, 1975

To: State District Administrators
County Welfare Directors

DEPARTMENT OF HEALTH POLICY REGARDING RESTRICTIVE ORDINANCES ON
COMMUNITY CARE FACILITIES

The Director of the Department of Health has established the Department's policy pursuant to Sections 5115 and 5116, Welfare and Institutions Code, regarding zoning ordinances governing small family homes. (See attached transmittal letter and policy statement.)

For information the text of Section 5115 and 5116 W & I Code, follows:

"Section 5115. The legislature hereby finds and declares:

(a) It is the policy of this state, as declared and established in this act and in the Lanterman Mental Retardation Act of 1969, that mentally and physically handicapped persons are entitled to live in normal residential surroundings and should not be excluded therefrom because of their disability.

(b) In order to achieve uniform statewide implementation of the policies of this act and those of the Lanterman Mental Retardation Act of 1969, it is necessary to establish the statewide policy that the use of property for the care of six or fewer mentally disordered or otherwise handicapped persons is a residential use of such property for the purposes of zoning."

"Section 5116. Pursuant to the policy stated in Section 5115, a state-authorized, certified, or licensed family care home, foster home, or group home serving six or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children, shall be considered a residential use of property for the purposes of zoning if such homes provide care on a 24-hour-a-day basis.

Such homes shall be a permitted use in all residential zones, including, but not limited to, residential zones for single-family dwellings. Nothing in this paragraph shall be construed to prohibit any city or county from requiring a conditional use permit in order to maintain any home pursuant to the provisions of this paragraph; provided that no conditions shall be imposed on such homes which are more restrictive than those imposed on other similar dwellings in the same zones unless such additional conditions are necessary to protect the health and safety of the residents."

State District Administrators
County Welfare Directors

-2-

July 25, 1975


Pursuant to item 8 in Dr. Jerome Lackner's policy statement as attached, Hal Schachter, Assistant Chief, Support Services, is the Facilities Licensing Section staff person to contact in the event of local zoning agency action which is inconsistent with the above policy.

Please advise whether the local zoning agency is requiring a hearing, approval of neighbors, variance request, or conditional use permit which is not imposed on other family dwellings in the same type of zone.

Please indicate the name and address and telephone number of applicant or licensee and the name and telephone number of the contact person at the local zoning agency.

Contact:

Hal Schachter
(916) 445-3281
744 P Street, Room 440
Sacramento, CA 95814


LeRoy G. Burton, Chief
Policy and Support Services
Facilities Licensing Section

Attachments

Std. Distribution C, F

Memorandum

To : Bruce Yarwood, Manager
Division of Administration
Richard Koch, M.D., Manager
Division of Community Services
Bamford Frankland, Manager
Division of Licensing and Certification

Date : May 6, 1975

Subject: Department of Health
Policy Regarding Restrictive
Local Ordinances on Community
Care Facilities

From : Jerome A. Lackner, M.D.
Director of Health



The attached statement is approved as formal Department of Health policy effective this date. Please assure that this policy is appropriately incorporated into the Health Administrative Manual and implemented throughout the Department of Health.

Attachment

1. The licensed small family home is the major alternative to hospitals and institutions for those mentally disordered and developmentally disabled persons who cannot live alone, or with their own families. The licensed small family home is the least expensive of all residential care placements and offers the most "normal" (non-institutional) environment. When sufficient numbers and types of family homes do not exist, local mental health departments and regional centers must institutionalize clients locally or send them to state hospitals; clients who should be in the community thus remain hospitalized.

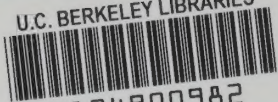
For these reasons, the Department of Health has a vital interest in the availability of family homes and in removing any obstacles to their development.

2. In keeping with Section 5115, Welfare and Institutions Code, it is the policy of the Department of Health that mentally and physically handicapped persons are entitled to live in normal residential surroundings and should not be excluded from so doing because of their disability.
3. In order to achieve uniform statewide application of the intent of provisions of these Acts, it is necessary to establish the statewide policy that the use of property for the care of six or fewer mentally disordered or otherwise handicapped persons or dependent or neglected children is a residential use of such property for the purpose of zoning, as declared in Section 5116, Welfare and Institutions Code.
4. Such homes shall be a permitted use in all residential zones, including, but not limited to, residential zones for single family dwellings. If

It is the opinion of local communities that the health or safety of the residents of such a facility is not adequately protected, this opinion should be brought to the attention of the Department of Health. In no case should it be necessary for a local entity to regulate for the health and safety of residents under the authority of W & I Code 5116, or any other authority.

5. Homes licensed for six or less persons are considered family and exempt from local zoning ordinances, fees, and licenses not otherwise applied to natural families. Homes for seven or more are a permitted use in residential zones of like rate of occupancy, i.e., apartments, duplexes, etc.
6. Accordingly, it is the policy of the Department of Health that applicants for a license as a family home for six or fewer persons shall be required only to provide evidence that they reside in a residential zone. They shall not be required to obtain zoning approval, or pay any local business or license fee.
7. The applicant, however, remains responsible to comply with any local ordinance which is applied equally upon all similar family dwellings. The Department of Health shall only require compliance with Title 22, and Title 9, California Administrative Code, as a condition of licensure. The applicant remains responsible to comply with all state laws and local ordinances.
8. Facility Licensing Section staff and Mental Disabilities/Developmental Disabilities Program placement staffs are to notify through appropriate channels, Headquarters, Department of Health, of local actions inconsistent with the above policy.

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